

PLANNING COMMISSION STAFF REPORT

REPORT DATE:

September 15, 2011

AGENDA DATE:

September 22, 2011

PROJECT ADDRESS: 1820-1826 De la Vina Street (MST2009-00536)

TO:

Planning Commission

FROM:

Planning Division, (805) 564-5<u>47</u>

Danny Kato, Senior Planner

Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The proposed project consists of a 40-bedroom Residential Care Facility for the Elderly (RCFE) designed to serve seniors suffering from Alzheimer's or various forms of dementia. construction includes a two-story, 24,098 net square foot building (25,381 gross sq. ft.). There is a sub-level cellar for food storage, laundry and mechanical equipment measuring 2,210 net square feet, and the first and second floors would be 8,599 and 13,289 net square feet, respectively. The project also includes 20 on grade parking spaces, of which 16 are covered and 4 are uncovered. The site contains an oak tree that is proposed to be preserved and included as part of the new site plan.

The project consists of the demolition of the six existing structures on site, including three houses (two of which are duplexes), two garages and one shed. Including attics, the floor area of the six existing structures totals 8,251 net square feet.

A total of 11,228 net square feet of floor area on the first and second floors would be dedicated to residential rooms, which range from 294 to 376 square feet in size. Each room would have a private sink, a studio living/bedroom area, and in most cases would share a bathroom with the adjacent room. Common amenities total 10,690 square feet, and include a commercial kitchen, dining area, wellness center, activity spaces, sunrooms, bathrooms and service areas. Individual units do not have kitchens or kitchenettes, and would not qualify as "dwelling units."

Project Operations:

The facility would be licensed to provide non-medical residential care by the State of California, Department of Community Care Licensing as a RCFE. Since residents rarely go outside, activity areas would be focused within internal common spaces. Common interior space available to residents totals 3,399 square feet (excluding administration, kitchen, storage, bathing, wellness office and other service areas). However, 21% of the site is proposed as useable landscape/open area (5,692 square feet).

The project has been designed to consist of three small "neighborhoods" within the building. Each neighborhood would include 11 to 15 bedrooms. Each neighborhood would also have a common living/dining/activities area. Stations for direct care staff, bathing and medications storage would be

located in each neighborhood. The project would offer residents three meals a day, personal care services, medications oversight, activities and transportation to medical services and outdoor activities as part of the regular daily program. The community would be staffed twenty-four hours a day. Shift changes occur three times daily: 7am, 3pm and 11pm. The daytime shift is staffed most heavily and would include a maximum of twelve employees at any one time. Residents do not drive, and would be transported to activities and appointments by a dedicated facility van.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is:

1. A <u>Conditional Use Permit</u> to allow a Residential Care Facility for the Elderly (RCFE) in a residential zone (SBMC §28.94.030.R);

Design review of the development proposal by the Architectural Board of Review, and a Voluntary Lot Merger will also be required.

III. <u>RECOMMENDATION</u>

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the Architectural Board of Review has reviewed the size, massing and architecture of the project and determined it to be consistent and compatible with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission certify the Mitigated Negative Declaration and approve the project, making the findings outlined in Section IX of this report subject to the conditions of approval in Exhibit A.

APPLICATION DEEMED COMPLETE:

January 28, 2011

DATE ACTION REQUIRED:

Must approve/ deny project within 60 days of

MND adoption

IV. SITE INFORMATION, PROJECT STATISTICS AND SITE LOCATION

A. SITE INFORMATION

Applicant	Jay Blatter & Julie Guajardo McGeever, Hochhauser Blatter Architecture & Planning					
Property Owner	Mark and Valerie Maldonado					
Site Information						
Parcel Numbers: 027-022-022, 027-022-023 & 027-022-024		Lot Area: Total:	9,543 sf 8,909 sf 9,898 sf 28,350 sf (gross); 27,217 sf (net)			
General Plan: Residential, 12 units/acre		Zoning:	R-4 Hotel-Motel-Multiple Residence Zone			
Existing Use: Res	sidential	Topography:	Average slope of 5 %			
Adjacent Land Uses						
North - Multi-Family Residential South - Multi-Family Residential		East - Multi-Family Residential West - Multi-Family Residential				

B. PROPOSED PROJECT STATISTICS

	Residential	Common	Total
Cellar	N/A	2,210 sq. ft.	2,210 sq. ft.
First Floor	3,026 sq. ft.	5,573 sq. ft.	8,599 sq. ft.
Second Floor	8,108 sq. ft.	5,181 sq. ft.	13,289 sq. ft.
Total:	11,134 sq. ft.	12,964 sq. ft.	24,098 sq. ft.

C. VICINITY MAP



V. <u>ISSUES</u>

The primary issue associated with this project is neighborhood compatibility relative to traffic, circulation and parking. As outlined in the Final Mitigated Negative Declaration (MND), these issues do not rise to a level of significance as it relates to environmental thresholds. Nevertheless, they may have an adverse impact on the neighborhood, and in order to make the findings to approve the Conditional Use Permit, decision-makers must be confident that the project will not be materially detrimental to the neighborhood. Therefore, these potentially adverse impacts require careful evaluation by decision-makers.

The final MND includes a discussion of the project's traffic and circulation impacts, and concludes that the project would not result in significant traffic impacts. Concerns related to parking and loading, and their potential impact on circulation are addressed below.

A. PARKING AND CIRCULATION

A concern raised at the environmental hearing on August 11, 2011, is the amount of parking proposed on site, and the possible impact to the surrounding neighborhood resulting from

inadequate parking and loading areas on site. As noted in Section VI.A of this staff report, per SBMC §28.90.100.G.9, Community Care Facilities are required to provide one parking space for every two bedrooms. The proposed development includes 40 bedrooms, therefore 20 parking spaces are required. The project provides 20 spaces, 6 of which are compact and 2 of which are accessible.

For your reference, a Parking Analysis was prepared for the project by Associated Transportation Engineers (Exhibit F). Parking demand estimates were developed for the project based on the parking rates in the Institute of Transportation Engineers (ITE), Parking Generation manual. Assisted Living complexes are defined as "residential settings that provide either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited people. Based on the rate of 0.36 space /unit as presented in the ITE manual for Assisted Living Complexes, the parking demand for the proposed 40 unit facility is 14 spaces. Therefore, this 40 room facility is exceeding its anticipated parking demand on site by providing 20 parking spaces.

As noted in the ITE manual, one study reported that according to national and local data, less than 5 percent of the residents of assisted living facilities owned cars, and those cars were rarely driven. As an additional measure, the Applicant has proposed that residents would not be allowed to bring their personal vehicles to the site. A facility van would be used to take residents to appointments and on excursions. The facility van would be a nine person vehicle and would fit in a standard parking space.

With regard to deliveries and vendors, the Applicant's Supplemental Response Letter (Exhibit D) provides clarification on the operation of the facility. There is an on-site nurse, and most health care services are administered by staff, making physician house calls very rare. Activities that involve an outside vendor (including clergy, musicians, artists, etc.) would occur once or twice a week. The resident shuttle would be used to take residents to medical appointments and on excursions approximately three times per week. Commercial deliveries of medication (1-2 deliveries per week), linens (1 delivery per week) and food (2-4 deliveries per week) would be made by local companies that have committed to using small trucks so that they can park and maneuver on site so as to avoid using the street for loading and unloading. The remainder of deliveries would be done by UPS or USPS. Therefore, total deliveries would average approximately 4-6 per week, and would avoid to the extent possible the use of large delivery trucks.

Access to the site would be provided by a 20-foot wide driveway and slightly wider driveway apron. A 20-foot wide driveway is the Fire Department's standard for any driveway that serves three or more residential units.

B. TRAFFIC

A traffic study (Exhibit G of the Final MND) was prepared by Associated Transportation Engineers and provides traffic estimates based on nationally accepted Institute of Transportation (ITE) counts for assisted living facilities. The assisted living traffic counts include trips from staff, vendors and visitors based on nationwide standards for Residential Care Facilities. The proposed project description fits well with the ITE manual description of

assisted living complexes, which are typically staffed 24 hours a day and include services such as dining, social activities, housekeeping and medication administration.

As described in the response to comments on the MND (Exhibit K of the Final MND), assisted living facilities generate most of their traffic during off-peak hours. Employees, visitors and delivery trucks make up most of the trips to these facilities, and truck traffic typically represents a small percentage of total trips.

The project proposes an Operational/Staffing Plan, which is attached as Exhibit E. Based on the information provided therein, employee arrival/departure would be staggered throughout the day, and therefore impacts to the street and surrounding intersections would be minimal. The applicant has also provided a description of the types of special activities and services that could create additional traffic (Exhibit D).

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks	10' for 1- or 2-story bldg. >50'		10'
-Front -Interior	6' for 1 or 2 story bldg 10' for 3rd-story <pre></pre>		6'
-Rear	6' for 1st story 10' for 2nd and 3rd story		20'
Density	10-20 units depending on bedroom count and IHO	5 units	N/A*
Building Height	3 story or 45'	2-story	30'-10.5" 2 story
Parking	1 space per 2 bedrooms (per SBMC §28.90.100.G.9 Community Care Facility) = 20	N/A	20
15% Open Space	4,253 sq. ft.	N/A	4,339 sq. ft.
Lot Coverage -Building -Paving -Landscaping	N/A N/A N/A	6,511 sq. ft. 24% 1,676 sq. ft. 6% 19,030 sq. ft. 70% 27,217 sq. ft. 100%	9,714 sq. ft. 36% 12,469 sq. ft. 46% 5,034 sq. ft. 18% 27,217 sq. ft. 100%

^{*} Refer to Conditional Use Permit standards below for an explanation.

The Zoning Ordinance regulations for the R-4 zone district are designed and intended to provide a pleasant and healthful environment by establishing provisions for open spaces. The R-4 zone district is intended for multiple family housing, together with recreational, religious and educational facilities required to serve the community. Allowed uses include one-, two-

> and multiple-family dwellings, care facilities serving up to 12 individuals and hotels and hotelrelated auxiliary uses. Uses such as places of worship; schools; community care facilities, hospices and residential care facilities serving more than 12 individuals and child care centers, hospitals and skilled nursing facilities are examples of uses permitted in this zone with the issuance of a Conditional Use Permit.

> Per SBMC §28.21.085, non-residential buildings, structures and uses, must have double the setback requirements and not more than twenty-five percent of the net area may be covered by buildings used for non-residential purposes. This project is being treated as a residential use and is therefore required to provide the 15% Common Open Yard Area per 28.21.081B and the project is not subject to the double setback requirement.

The proposed project complies with the setback, height, open space and parking regulations of the R-4 zone. The proposed use could be permitted upon the granting of a Conditional Use Permit, as described below.

Conditional Use Permit

State-licensed residential care facilities for the elderly (RCFE) may be permitted in the R-4 and less restrictive zones upon the granting of a Conditional Use Permit (CUP).

Per SBMC §28.94.030.R.1, the following standards for a RCFE are applicable to the project:

- If a new RCFE includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may include modular cooking units without being counted as residential units.
- If a new RCFE does not include a congregate dining facility, but does include kitchens in its living units, living units shall be counted as residential units.
- Recreational facilities and skilled nursing facilities intended primarily for the residents may be
 allowed in connection with residential care facilities for the elderly, community care facilities or
 hospices provided that such uses are incidental and accessory thereto. The use of the facilities
 by persons other than residents and staff may be limited.

The project includes a congregate kitchen and dining area and therefore the 40 bedrooms are not counted as residential units for the purpose of density calculations. The recreational and nursing facilities proposed as part of the project are intended solely for use by residents.

The proposed building has been reviewed by the Architectural Board of Review and is found to be compatible with the character of the surrounding neighborhood. Staff has reviewed the proposed use and has determined that the project will not be a detriment to the neighborhood and the parking plan has been reviewed and accepted by Transportation Planning staff.

In this particular case, the resource demands of the project are within the ranges for other allowed uses in the R-4 zone, which may vary between multi-residential and hotel/motel uses. Further, Staff believes that the proposed use is similar in character to a typical multi-unit residential use and the site design is compatible with the surrounding multi-residential developments on the adjacent lots, which includes two-story apartment and condominium complexes.

B. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element

The proposed project is located within the Oak Park neighborhood, which is bounded on the north by Mission Creek; on the south by Sola Street; on the east by State Street; and on the west by Highway 101. The Oak Park area is an area containing older homes that are gradually being replaced with multi-family residences. Development in the northern section (above Mission Street) has been influenced by Cottage Hospital and the medical complex surrounding it. The neighborhood has been experiencing a continuous transition from residential to office and multi-family residential use. Further away from the hospital and south of Mission Street where the subject project is located, the existing mixture of cottages, Victorian homes, and older apartments is being altered by new small scale apartment and condominium developments. A neighborhood shopping area exists at the intersection of Mission Street and De La Vina Street approximately one block from the project site. The General Plan Land Use Designation for these lots is Residential, twelve dwelling units per acre. The proposed project is consistent with this General Plan Land Use Designation.

Housing Element

The Housing Element encourages construction of a wide range of housing types to meet the needs of various household types, including housing for seniors. The proposed project would result in a forty room facility for the care of the elderly. The proposed development has also been found to be compatible in terms of size, scale and design with the prevailing character of the neighborhood, as discussed in Section VIII of the Staff Report. Therefore, the proposed project would be consistent with the Housing Element.

Conservation Element

Archaeological Resources - As discussed under the environmental review section, an archeological survey was conducted of the site and no resources were discovered.

Visual Resources - This new development would be surrounded by existing two-story, multiple-family residential developments. The project would not affect prominent visual resources and would not obstruct scenic view corridors, including views of the ocean or lower elevations of the City as viewed from the shoreline and upper foothills or views of the upper foothills and mountains as viewed from the beach and lower elevations of the City. Four non-native trees, including a six-inch elm, an eight-inch pine and a 16-inch persimmon would be removed and are proposed to be replaced by a variety of flowering accent trees. The project does include preservation of a 46-inch mature Coast live oak on the site.

Historic Resources - An Historic Structures Report was prepared and found that the existing house at 1826 De La Vina Street is eligible for designation as a City of Santa Barbara Structure of Merit. The project has been reviewed by a historian and the City's Historic Landmarks Commission (HLC). It has been concluded that demolition of this residence can be mitigated by photo-documentation of the building.

For these reasons, the proposed project would be consistent with the Conservation Element of the General Plan.

Noise Element

The proposed residential care facility would not generate a substantial increase in the existing ambient noise levels in the area due to the nature of the proposed use. The project would locate new residents in an area where existing noise levels could impact future users. Mitigation measures are required to ensure that noise levels to the front bedrooms are reduced to acceptable levels. To address short-term construction noise, operations would be limited to certain days of the week and daytime hours through the recommended conditions of approval. For these reasons, the project would be consistent with the goals and policies of the Noise Element.

Circulation Element

The City's Circulation Element contains goals and implementing measures to reduce adverse impacts to the City's street system and parking by reducing reliance on the automobile, encouraging alternative forms of transportation, reviewing traffic impact standards, and applying land use and planning strategies that support the City's mobility goals. The project site is located within walking distance of restaurants and other commercial businesses, facilitating use by employees and visitors, although the residents of the facility are not expected to leave unassisted. Traffic and circulation impacts resulting from the proposed project are negligible, and thus the project would be consistent with the Circulation Element. Refer to Section V of the staff report for additional discussion of traffic, circulation and parking.

VII. ENVIRONMENTAL REVIEW

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and a Mitigated Negative Declaration (MND) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: biological resources, cultural resources, and noise. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with air quality and cultural resources.

The Draft MND was available for public review from July 19 to August 12, 2011. Two comment letters were received. A public hearing was held on August 11, 2011. The primary environmental concerns raised by the commentors were related to traffic, parking and tree protection. These issues are addressed in the Response to Comments section of the proposed Final MND (Exhibit K of the Initial Study (part of Exhibit H of this staff report)), and minor revisions to the Initial Study text have been made.

The Final MND analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final MND.

Aesthetics: The proposed project would have a less than significant impact on scenic views, and the impacts to on-site aesthetics and lighting would be less than significant.

Air Quality: The proposed project impacts related to the Clean Air Plan, long-term (area source and operational) emissions, short-term (construction) emissions, global climate change,

cumulative emissions, and odors would be less than significant. Recommended mitigation measures would further reduce adverse but less than significant impacts associated with nuisance dust and diesel particulate matter.

Biological Resources: The proposed project would have no impact on natural communities (e.g. oak woodland, coastal habitat etc.), or wetland habitat (e.g. marsh, riparian, and vernal pools). Project impacts related to rare/endangered species or their habitats, and wildlife dispersal or migration corridors would be less than significant.

The project includes removal of several non-native trees and protection of the existing 46-inch oak tree. An arborist report prepared by Arbor Services dated March 2009 and revised on August 11, 2010, provided an analysis of the existing 46-inch Coast live oak within the front yard. This report found that, with implementation of the required tree protection measures including tree fertilization, landscaping and trenching restrictions, tree protection fencing and inspection by an arborist, potentially significant impacts would be reduced to a less than significant level and the long-term safety and health of the tree would be protected. If the 46-inch Coast live oak tree is damaged severely as a result of the project, it must be replaced with three 48-inch box sized trees.

Cultural Resources: The proposed project would have no impacts related to ethnic or religious resources.

<u>Archaeology</u>. A Phase I Archaeological Resources Report was prepared for the project and no prehistoric or historic cultural materials were identified in the area, so impacts to archaeological resources are considered less than significant.

<u>Historic Resources</u>. An Historic Structures Report (HSR) was prepared for the proposed demolition of the existing structures located at 1820, 1822 and 1826 De la Vina.

The existing one-story residence at 1820 De La Vina Street is not eligible for listing as a historic resource and therefore the demolition of the structure would have a less than significant impact to historic resources.

The residence at 1822 De La Vina Street is not eligible for listing as a historic resource. Impacts from the proposed demolition of this residence would be less than significant. However, because the house is historically associated with the Lockard family, the HSR recommends that the residence be photo-documented prior to demolition.

The residence at 1826 De La Vina Street is eligible for listing as a City of Santa Barbara Structure of Merit. However, it is not eligible for listing at the State or national level. The Historic Landmarks Commission (HLC) reviewed and accepted the HSR. Following their acceptance of the HSR, the HLC did not elect to initiate the process to designate the residence at 1826 De La Vina Street as a Structure of Merit. Removal of this structure results in a potentially significant, mitigable impact. The HSR concludes that project impacts can be reduced to a less than significant level with implementation of photo-documentation of the residence, including the retaining wall, prior to demolition.

Geophysical Conditions: The proposed project impacts related to fault rupture, ground-shaking, liquefaction, landslides, expansive soils and excessive grading or permanent changes

in topography would be less than significant. There would be no impacts related to seiche, tsunami, landslides, mudslides or subsidence of land.

Hazards: The proposed project impacts related to hazardous substances, creation of health hazards, exposure of people to health hazards and fire hazard would be less than significant.

Noise: The proposed project impacts related to short-term (construction) noise would be less than significant. Relative to long-term noise exposure, the front three bedrooms facing De La Vina Street could exceed the City of Santa Barbara 45 dB(A) CNEL interior noise level threshold with windows open. Therefore, a detailed interior noise analysis must be prepared for Units 201, 202, and 230 at the time of building permit application, when more construction design details are available. Measures such as mechanical ventilation, enhanced construction materials and enhanced insulation and dual paned glass could reduce this potentially significant impact to a less than significant level.

Population and Housing: The proposed project impacts related to growth would be less than significant. The project would have no impact related to housing displacement.

Public Services: The proposed project impacts related to fire protection, police protection, schools, public facilities, roads, other governmental services, electric power or natural gas, water treatment or distribution facilities, sewer, water distribution/demand, and solid waste generation and disposal would be less than significant.

Recreation: The proposed project impacts related to recreational demand and recreational facilities would be less than significant.

Transportation and Circulation: The proposed project impacts related to traffic, access and evacuation, and pedestrians/bicyclists/public transportation would be less than significant. The project would have no impact on safety or congestion management plans.

Water Environment: The proposed project impacts related to absorption rates, drainage patterns, the rate and amount of surface runoff, discharge into surface waters, change in the quantity, quality, direction or rate of flow of ground waters and storm water drainage would be less than significant. The project would have no impact related to water-related hazards such as flooding.

The proposed Final MND has identified no significant and unavoidable impacts related to the proposed project. Pursuant to CEQA and prior to approving the project, the Planning Commission must consider the Final MND. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision maker is required to make the mitigation measure a condition of project approval, and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation. The mitigation measures described in the proposed Final MND have been incorporated into the recommended conditions of approval for this project. In addition, a mitigation monitoring and reporting program (MMRP) is included in the project's Final MND.

It should be noted that some project details have been clarified since the Environmental Review Hearing on August 11, 2011. These clarifications were provided in response to questions from the Planning Commissioners and a neighbor's concerns, and are outlined in Exhibit D. The

clarifications are provided to assist the Planning Commission in their review and analysis of the project.

VIII. DESIGN REVIEW

This project was reviewed by the ABR on four separate occasions (meeting minutes are attached as Exhibit G). When the project first appeared before the ABR on May 17, 2010, and again on June 1, 2010, the applicant was proposing modifications to provide no common yard area, a reduction in parking and over-height walls in the front yard. ABR reviewed that original project and requested that the applicant reduce the apparent mass of the structure including the roof lines, and provide more of a one story presence from the street, including porches and trellises. The required wheelchair ramp was located in the front yard, and the Board suggested that the applicant study the proposed location of the ramp to soften the front yard enabling additional landscaping in the front. Although the Board, understood that the type of proposed use would mainly occur within the building, they asked the applicant to increase the usable outdoor living open spaces on site to add to the enjoyment and general livability of the site.

When the project returned for a third review on July 12, 2010, the applicant had redesigned the project, and was no longer requesting modifications. The applicant had increased the front and rear setbacks and relocated the wheelchair ramp to the south side of the building. Other changes included a reduction to the southwest façade, a reduction to the roofline by 16", a redesign of the carport bays, enhancement of the column supports, and various details and window changes. A trellis element was added to the west elevation to add visual interest, provide a framework for vines and provide some shade. The ABR felt that their comments had been sufficiently addressed and forwarded the project to the Planning Commission.

On October 18, 2010, the applicant returned to the ABR for an in-progress review, but ultimately no further changes were made to the design.

IX. FINDINGS

The Planning Commission finds the following:

A. THE FINAL MITIGATED NEGATIVE DECLARATION

- 1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated September 15, 2011, for the 1820-1826 De La Vina Street Project (MST2009-00536), and comments received during the public review process prior to making a decision on the project.
- 2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
- 3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the

environment. The Final Mitigated Negative Declaration, dated September 15, 2011, is hereby adopted.

- 4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
- 5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
- 6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
- 7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

B. CONDITIONAL USE PERMIT (SBMC §28.94.020)

1. The proposed use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The proposed residential care facility is essential to the public convenience and welfare because it is providing residential care and housing for the elderly population suffering from Alzheimer's or age-related dementia. The proposed residential care facility is in harmony with the various elements and objectives of the General Plan as described in Section VI.B of the staff report. The Land Use Element recognizes and allows for a mixture of commercial and residential uses in this area. The Housing Element encourages the development of a full range of senior living situations, including small, non-institutional facilities that meet the needs of the older senior population. In addition, the proposal is consistent with the Zoning Ordinance, as described in Section VI.A of the staff report.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

The proposed residential care facility is located in a fully developed neighborhood and is surrounded with two-story multiple family development. The proposed building is in scale with other development in the surrounding neighborhood, and parking and amenities would be provided on-site so as not to adversely affect the surrounding neighborhood as described in Sections VIII and V.A, respectively, of the staff report. The use would continue to maintain the existing ambiance of the neighborhood.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The proposed building and site design are consistent with the surrounding neighborhood because it will be a two story building and complies with the setback requirements of the zoning ordinance. The two story structure would be set back 32' from the north west property line and 20' from the south east property line, and a majority of the front facade of the building is setback 53' from De la Vina Street. The project style was reviewed and accepted by the Architectural Board of Review and preserves the mature Coast live oak in the front of the property.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

Adequate access and off-street parking is provided on site as identified in Section V.A of the staff report. Per SBMC 28.90.100.G.9, the use as a residential care facility requires one parking space for every two bedrooms, and the project complies with this requirement. As discussed in Section V of the staff report, the residents do not drive and the traffic and parking impacts anticipated from staff and deliveries will not alter the character of the area.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

The proposed building and site design were reviewed by the Architectural Board of Review and found to be compatible in size and design with the surrounding neighborhood, as described in Section VIII. of the staff report. The height of the building is 30'-10.5" from finished grade. The building pad is approximately 5' higher than the sidewalk on De La Vina because of the existing grade differential between the street and the project site. Parking is screened from the street and the 46-inch Coast live oak will be preserved. The mature hedge and stone wall at the southeast property line will also be retained as part of the project.

Additional findings required for a State-licensed residential care facility (SBMC §28.94.030.R.2):

1. The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.

The R-4 zone allows for multiple residential or hotel development and related recreational and conference center and other auxiliary uses use by hotel guests. Current density regulations would permit 10-20 dwelling units, depending on bedroom count and Inclusionary Housing requirements consistent with SBMC §28.21.080.F and §28.43.030.

Development of the site with 20 dwelling units would have greater traffic generation than the proposed 40 bedroom RCFE based on ITE trip generation data.

The proposed use would not generate major impacts to the existing roadways for the following reasons: 1) the residents are not allowed to drive due to safety concerns; 2) the site is close to mass transit stops; 3) the site is located near a commercial corridor and shopping areas are within walking distance; 4) most visitors and staff trips occur outside the a.m. and p.m. peak hours; and 5) based on information contained in the Institute of Traffic Engineers' Parking Generation manual, the parking demand for the proposed project would be 14 spaces and the project is providing 20.

The ABR has reviewed the site layout of the proposal and found it to be consistent with the surrounding neighborhood.

Impacts to water resources would be equivalent to that demanded by a multi-family development of the property (development is anticipated to demand 3.2 acre feet per year (AFY) of water; a multi-family apartment of 17 units would demand 3.23 AFY. Impacts to public services would be similar to those generated by a multi-family development of the site, and, as described in the MND for the project, impacts to public services would be less than significant. Impacts to certain public services (e.g. parks and recreation) would be less than a typical development due to the frail nature of the residents. Therefore, adequate public services are available for the proposed project.

2. The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.

The proposed use is residential in nature. The highest concentration of staff and activity occurs during the day, and there is only minimal staff during the evenings. Residents do not drive so traffic is generated by staff, visitors and

vendors. The majority of trips would occur during off peak hours (mid-day and weekend). The development would contain 40 rooms. Although this is higher than the number of bedrooms that could be allowed under the permitted residential density, each room would contain only one person, whereas a one-bedroom apartment could house two or more persons. Therefore, even when staff are taken into consideration, the number of people on site at any given time is similar to that of a multi-family development. Recreational rooms are provided within the building and there are outdoor courtyard areas being provided.

3. The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

Any future proposed residential use will be required to comply with the density requirements of the R-4 zone. Current density regulations would permit 10-20 dwelling units, depending on bedroom count and Inclusionary Housing requirements). The maximum number of units allowed would be contingent upon providing the required amount of parking on site. The twenty parking spaces provided could satisfy the parking requirement of nine to 13 units, depending on bedroom count.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated December 15, 2010
- D. Applicant's Supplemental Response letter, dated August 30, 2011
- E. Applicant's Operational/Staffing Plan
- F. Parking Analysis prepared by ATE, dated November 19, 2009
- G. ABR Minutes
- H. Final MND available on the City website (with revised Exhibits B and G and new Exhibits I, J and K)
- I. Planning Commission Minutes dated August 11, 2011

PLANNING COMMISSION CONDITIONS OF APPROVAL

1820-1826 DE LA VINA STREET CONDITIONAL USE PERMIT SEPTEMBER 22, 2011

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
 - 1. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
 - 2. Obtain all required design review approvals.
 - 3. Pay Land Development Team Recovery Fee at building or public works permit application.
 - 4. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading.
 - 5. Record any required documents (see Recorded Conditions Agreement section).
 - 6. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

- B. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.
 - 1. **Oak Tree Protection Measures.** The landscape plan and grading plan shall include the following oak tree protection measures, intended to minimize impacts on the existing oak tree:
 - a. Mulch dripline with four to five inches of wood chips (keep off tree base) to improve soil conditions and minimize future soil compaction.
 - b. Install Oak compatible plantings within the Oak dripline. Keep number minimal and use smaller pot sizes.
 - c. Incorporate hardscape materials and design that minimize root compaction, and promote water percolation and gas exchange.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 2 OF 19

- d. No irrigation system shall be installed within three feet of the dripline of any oak tree.
- e. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
- f. Contract with a Certified Arborist to inspect tree before, during and after development.
- g. During Construction:
 - Deep root aerate and fertilize Oak rootzone prior to construction to improve soil conditions and promote healthy generation of new foliage and roots.
 - Install temporary six foot tall chain link fence five feet beyond the dripline as feasible, and in no case closer than the edge of the dripline, prior to project commencement.
 - Designate tree dripline as a "no dump, wash or staging area" during construction.
 - No heavy equipment, storage of materials or parking shall take place within five (5) feet of the dripline of the oak tree.
 - If any excavation is required beneath the dripline of the oak tree, a qualified Arborist shall be present. All excavation within the dripline of the tree shall be minimized and shall be done with hand tools. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- 2. Oak Tree Removal. If the 46 inch Coast live oak tree is damaged such that it must be removed as a result of the project, the tree shall be replaced with a minimum of three 48-inch box Coast live oaks from Coastal Santa Barbara County stock. (BIO-2)
- 3. Tree Removal and Replacement. All trees removed, except oaks, fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 24-inch box sized tree(s) of an appropriate species in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
- 4. Parks and Recreation Commission Tree Removal Approval. Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of the existing street tree that conflicts with the new driveway.
- 5. Screened Check Valve/Backflow. The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 3 OF 19

- 6. **Permeable Paving.** Incorporate a permeable paving system for the project driveway and walkways that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- C. Recorded Conditions Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, prepared by Planning staff, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 - **Approved Development.** The development of the Real Property approved by the 1. Planning Commission on September 22, 2011, is limited to the merging of three existing lots (1820, 1822 and 1826 De la Vina) to create one 28,350 gross square foot lot, demolition of existing on-site development, and construction and operation of a new 40-bed residential care facility for the elderly. Construction consists of a 24,098 net square foot, two-story residential care facility with 20 on-grade parking spaces (16 covered, 4 uncovered) and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara, and subject to the operational parameters described in the Final Mitigated Negative Declaration dated September 15, 2011. Bedroom sizes range from 294 to 376 square feet, each comprised of a sink, living area, and in most cases, a shared bathroom with the adjacent unit. Common amenities total approximately 12,964 square feet, and include a commercial kitchen, dining area, wellness center, activity spaces, sunrooms, bathrooms and service areas. Individual units/bedrooms do not have kitchens or kitchenettes, and do not qualify as traditional "dwelling units." The existing 46" oak in the front yard is to be preserved.
 - 2. Uninterrupted Water Flow. The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 - 3. Recreational Vehicle Storage Prohibition. No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 - 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement. The following tree protection shall be incorporated:
 - a. Oak Tree Protection. The existing 46" oak tree shown on the Landscape Plan shall be preserved, protected, and maintained in accordance with the

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 4 OF 19

recommendations contained in the arborist's report prepared by Arbor Services, dated August 11, 2010 and subject to applicable conditions of approval.

Storm Water Pollution Control and Drainage Systems Maintenance. Owner 5. shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved by the Water Resources Specialist.

- 6. **Resident Vehicles**. Residents shall not bring personal vehicles to the site.
- 7. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project.
 - a. **Carpool Incentives.** An incentive program shall be offered for employees who choose to carpool (e.g. free gas cards).
 - b. **Bus Routes and Schedules Posted.** Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
 - c. **Employee Lunch Room.** An employee breakroom shall be provided in the building, and employees shall have access to the following amenities: refrigerator, microwave oven, sink, food preparation area, tables and chairs.
 - d. **Bicycle Parking**. Three bicycle parking spaces shall be provided.
- 8. **Common Area Maintenance.** All common and shared areas/facilities/improvements shall be kept open, available and maintained in the manner in which it was designed and permitted.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 5 OF 19

- 9. Landscape Maintenance. A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
- 10. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- 11. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.
- D. Public Works Requirements Prior to Building Permit Issuance. The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the Public Works Department. Please note that these conditions are in addition to the standard submittal requirements.
 - 1. Water Rights Assignment Agreement. The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an Agreement Assigning Water Extraction Rights. Engineering Division Staff will prepare said agreement for the Owner's signature.
 - 2. **Hydrology Report.** The Owner shall submit a final hydrology report to Building and Safety, prepared by a registered civil engineer demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 - 3. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
 - 4. **De la Vina Street Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on De la Vina Street.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 6 OF 19

As determined by the Public Works Department, the improvements shall include the following to City standards: +/- 50 lf cracked and/or uplifted sidewalk to the nearest joint, 21-foot wide (maximum width) commercial driveway apron modified to meet Title 24 requirements, +/- 15 lf new curb & gutter where existing driveway is removed, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20-feet beyond the limits of all trenching (if any), maintain connection to City Water and Sewer system, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps (if any), supply and install directional/regulatory traffic control signs during construction per the MUTCD w/CA supplements, provide adequate positive drainage from site and upgrade one of the nearest bus stops to current MTD Bus Stop Standards (at MTD discretion). Any work in the public right-of-way requires a Public Works Permit,

- 5. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- 6. **Voluntary Lot Merger Required.** The Real Property known as APN 027-022-022, APN 027-022-023 and APN 027-022-024 shall be merged into one (1) lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30.
- E. Community Development Requirements with Building or Public Works Permit Application. The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the Community Development Department. Please note that these conditions are in addition to the standard submittal requirements:
 - 1. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
 - 2. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.
 - b. A method for monitoring the mitigation measures.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 7 OF 19

- c. A list of reporting procedures, including the responsible party, and frequency.
- d. A list of other monitors to be hired, if applicable, and their qualifications.
- e. Submittal of biweekly reports during demolition, excavation, grading and footing installation and monthly reports as applicable on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/case planner.
- f. Submittal of a Final Mitigation Monitoring Report.
- g. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- 3. **Photo-documentation of 1826 De la Vina.** The applicant shall photo-document the property at 1826 De la Vina Street prior to its alteration or any structure demolition consistent with the guidelines for documentation outlined in the Council-adopted City Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites. The documentation shall include the setting of the property, including the adjacent house at 1822 De la Vina Street and the retaining wall along De la Vina Street. (CR-1)
- 4. **Photo-documentation of 1822 De la Vina.** The applicant shall photo-document the residence at 1822 De la Vina Street prior to its alteration or structure demolition consistent with the guidelines for documentation outlined in the Council-adopted City Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites. (CR-2)
- 5. Neighborhood Notification Prior to Construction. At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- 6. Contractor and Subcontractor Notification. The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 8 OF 19

- 7. **Park Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park Commission for the removal of trees in the front yard setback and public right of way.
- 8. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of the 46" oak tree during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division and the City arborist, if appropriate.
- 9. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- 10. Letter of Commitment for Pre-Construction Conference. The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Architect, the Arborist, the Landscape Architect, the Project Environmental Coordinator, the Contractor and each subcontractor.
- F. Building Permit Plan Requirements. The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
 - 1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B "Design Review" above, and all elements/specifications shall be implemented on-site.
 - 2. Interior Noise Mitigation. A detailed interior noise analysis must be prepared for Bedrooms 201, 202, and 230 at the time of building permit application. This detailed interior noise analysis would verify if the planned new buildings' envelopes would achieve the necessary sound insulation to meet the City of Santa Barbara 45 dB(A) CNEL interior noise level requirement. If not, the analysis shall provide recommendations to accomplish the 45 dB(A) CNEL standard. The recommendations in the detailed interior noise analysis project may include noise mitigation measures such as a windows closed condition, sound insulating doors and windows, and/or upgrades to exterior walls, roof, and attic-vent openings.

The detailed interior noise analysis may also be used to analyze compliance of the project's interior partitions and floor/ceiling assemblies between residential units with California State sound transmission class (STC) and impact insulation class (IIC) requirements. (N-1)

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 9 OF 19

- Basic Storm Water Management Best Management Practices (BMP) 3. Requirement. The City's Manual guides the user in the selection, integration, design and implementation of a variety of BMP options for a project site to meet the City's post-construction storm water management requirements development and redevelopment projects. This project is required to comply with Tier 3 of the Storm Water Runoff Requirements which requires that any increase in site runoff (pre vs. post construction) must be avoided per the City's adopted Storm Water Management Plan (SWMP), and the NPDES General Permit for Storm Water Discharges. The city and state requires that onsite capture, retention, and treatment of storm water are incorporated into the design of the project. In an attempt to treat the small, frequent storm events that impact water quality in Santa Barbara, the project must include treatment devices designed to capture and treat the calculated amount of runoff from the project site for a 1 inch storm event over a 24-hour period. Please refer to the City's Storm Water BMP Guidance Manual at www.sbcreeks.com.
- 4. **Water Quality and Drainage**. The Water Quality recommendation in the Preliminary Drainage Analysis prepared by InsiteCivil, inc. dated August 4, 2010 shall be implemented into the project construction and shall include:
 - a. An underground storm water detention pipe system designed to store the runoff from a 25-year storm while releasing a flow rate that does not exceed the pre-developed 25-year peak flow in accordance with the requirements contained in the City of Santa Barbara Storm Water Management Program and the State NPDES General Permit for Storm water discharges.
 - b. Filters will be installed on the proposed trench drain at the bottom of the driveway to treat stormwater runoff before discharging into the public storm drain system.
 - c. Roof drains will discharge onto either permeable paver surfaces or landscaped areas to filter runoff prior to discharging into public streets.
 - d. Bioretention areas will be used to capture and treat runoff resulting from a one-inch storm.
- 5. **Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.
- 6. Grading Plan Requirement for Archaeological Resources. The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 10 OF 19

representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- 7. Post-Construction Erosion Control and Water Ouality Plan. engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition C.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
- 8. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
- 9. Conditions on Plans/Signatures. The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 11 OF 19

Signed:

		*
Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- G. Construction Implementation Requirements. All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
 - 1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Arborist, Landscape Architect, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
 - 2. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
 - 3. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
 - 4. Construction-Related Truck Trips. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 - 5. Construction Related Traffic Routes. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager, and a permit shall be obtained from the Public Works counter.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 12 OF 19

- 6. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager, and a permit shall be obtained from the Public Works counter.
- 7. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor, and a permit shall be obtained from the Public Works counter.
- 8. Construction Hours. Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and the following holidays:

New Year's Day
Martin Luther King's Birthday
Presidents' Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Following Thanksgiving Day
Christmas Day

January 1st*
3rd Monday in January
3rd Monday in February
Last Monday in May
July 4th*
1st Monday in September
4th Thursday in November
Friday following Thanksgiving Day
December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

- 9. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 13 OF 19

- more than three (3) individual parking permits without extensions may be issued for the life of the project.
- c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
- 10. Construction Dust Control Watering. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)
- 11. Construction Dust Control Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-2)
- 12. Construction Dust Control Gravel Pads. Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-3)
- 13. Construction Dust Control Minimize Disturbed Area/Speed. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-4)
- 14. Construction Dust Control Disturbed Area Treatment. After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District.(AQ-5)

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 14 OF 19

- 15. Construction Dust Control Surfacing. All surfaces for roadways, driveways, sidewalks, etc., shall be laid as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)
- 16. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)
- 17. Construction Dust Control Project Environmental Coordinator (PEC). The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)
- 18. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-9)
- 19. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-10)
- 20. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-11)
- 21. Catalytic Converters. Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-12)
- 22. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AO-13)
- 23. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-14)
- 24. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled offroad compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-15)
- 25. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-16)

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 15 OF 19

- 26. Asbestos & Lead-Containing Materials. Pursuant to APCD Rule 1001, the applicant is required to complete and submit an APCD Asbestos Demolition and Renovation Compliance Checklist at least 10 working days prior to commencing any alterations of the buildings. Any abatement or removal of asbestos- and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Permits shall be obtained from the APCD prior to commencement of demolition of the structures containing asbestos and/or lead. Disposal of material containing asbestos and/or lead shall be in sent to appropriate land fills that are certified to accept this material. (AQ-17)
- 27. **Portable diesel equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-18)
- 28. **Mobile construction equipment.** Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm (AQ-19)
- 29. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
- 30. Construction Best Management Practices (BMPs). Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division, and shall include BMP's for off-site work.
- 31. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports during demolition, excavation, grading and footing installation and, as applicable, monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
- 32. Construction Contact Sign. Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 16 OF 19

square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

- 33. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- 34. Unanticipated Archaeological Resources Contractor Notification. Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 - 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 17 OF 19

- 2. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees.
- 3. Cross-Connection Inspection. The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
- 4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
- 5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade if required by the Public Works Inspector.
- 6. Noise Measurements. Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
- 7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
- 8. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

I. General Conditions.

1. Compliance with Requirements. All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, APCD Rule 345 (Control of Fugitive Dust from Construction and Demolition Activities) and Rule 329 (Cutback and Emulsified Asphalt Paving Materials) and the California Code of Regulations.

2. Approval Limitations.

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 18 OF 19

- 3. California Department of Fish and Game Fees Required. Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The current fee requirment is \$2,044.00for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
- 4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
- 5. Litigation Indemnification Agreement. In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's action approving the Conditional Use Permit shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or

PLANNING COMMISSION CONDITIONS OF APPROVAL 1820-1826 DE LA VINA STREET SEPTEMBER 22, 2011 PAGE 19 OF 19

2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

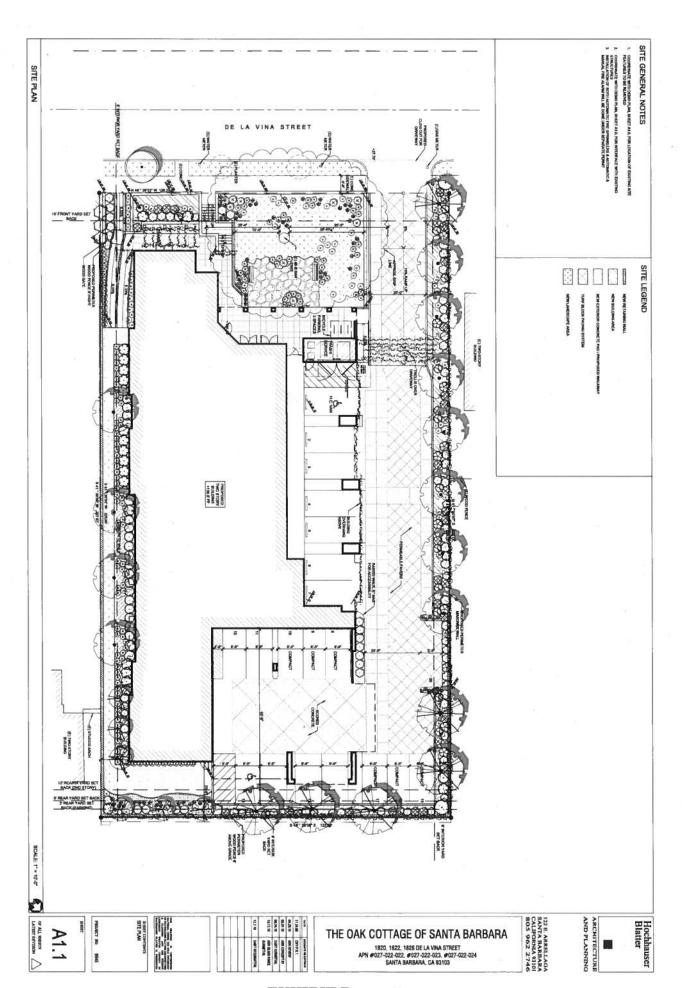


EXHIBIT B



ARCHITECTURE AND PLANNING December 15, 2010

122 E. ARRELLAGA SANTA BARBARA CALIFORNIA 93101 805 962 2746 City of Santa Barbara Planning Commission
Kelly Brodison, Assistant Planner
Community Development Department – Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, CA. 93101

SUBJECT: 1820-1826 De La Vina Street.

Assessors Parcel Numbers 027-022-022, -023, -024 MST 2009-00536 – DART Submittal 8.26.2010

Honorable Planning Commissioners & Ms. Brodison:

We are pleased to submit a revised DART application to the City of Santa Barbara on behalf of Mark and Valerie Maldonado / M Group Development, for a proposed senior residential care community to be located at 1820-26 De La Vina Street. As part of our DART re-submittal, we are providing the following updated documents and exhibits:

- 1. Updated Architectural plan set: project statistics, demolition plan, site plan, floor plans, typical unit plans, cross sections, elevations, view corridor studies, solar ordinance compliance and 3-D modeling Hochhauser Blatter Architecture and Planning
- 2. Updated Preliminary Landscape Plan David Black and Associates
- 3. Updated Civil plan set: grading and drainage plans Insite Civil
- 4. Response to DART Comments & related exhibits
- 5. Minutes from City Parks and Recreation District to remove one podocarpus street tree interfering with existing tree canopy of signature oak tree on site.
- 6. Updated acoustical report, 10.28.2010 Dudek & Associates.

Previous exhibits already been submitted to Staff including the following:

- 1. Executed Master Application 8.26.2010
- 2. Updated survey of existing site LP Cook
- 3. Preliminary drainage analysis 8.04.2010 Insite Civil
- 4. Parking Analysis 11.19.2009 Associated Transportation Engineers
- 5. Updated Arborist Report 8.11.2010 Arbor Services
- 6. Updated Noise Study Report 5.13.2010 Dudek
- Updated Grading and Foundations Recommendations August 16, 2010
 Coast Valley Testing
- 8. Updated Preliminary Title Report (for three parcels)

- 9. Hazardous Waste and Substances Statement
- 10. Response to PRT Comments & related exhibits
 - Operational / Staffing Plan
 - Valet Parking Analysis Signature Parking
 - Current Tenant Agreement (Consistent with City of Santa Barbara Tenant Displacement Assistance Ordinance)
 - Traffic Impact Analysis
 - Archaeological Phase I Assessment
 - Historical Phase I Assessment / Historical Resources Report
 - Existing Site and Context Photos
 - Color and Materials Board
- 11. Fees per PRT letter dated March 12, 2010 (updated to reflect 2010 fee increases.) Total fee payment of \$18,612.

Requested Actions

The project would be designed, built and licensed by State Community Care Licensing Division as a Residential Care Facility for the Elderly. It would serve a primary resident population suffering from Alzheimer's and other age-related cognitive diseases, and will also provide high acuity and hospice care. Greater detail on the proposed use, resident profile, employees and hours of operations are provided later in the project narrative.

The Applicant is requesting the following actions as part of their development application:

- A Conditional Use Permit to allow a Residential Care Facility for the Elderly RCFE on the project site.
- A Voluntary Lot Merger of three existing parcels (SBMC Chapter 27.30).
- Design Review of Multiple residential unit development by the Architectural Board of Review (SBMC §22.68). Note: Project received Compatibility Analysis and recommendations to Planning Commission issued by the Architectural Board of Review on July 12, 2010. Copies of ABR Minutes included with this submittal.

Existing Site and Zoning

The existing site and adjacent parcels located on all four sides are currently zoned R-4, permitting multi-family residences and some hospitality related uses. The General Plan designation is Residential - 12 dwelling units/acre.

The site is currently defined as three legal parcels, with an approximate combined area of 28,350 gross sf, and 27,217 net sf. A smaller sliver of land at the rear of the property (northeastern property line) does not have a clear record of ownership and has not been used as part of the site description or calculations. The SW property line abuts De La Vina Street, which provides vehicular and pedestrian access to the site. There is a grade differential of approximately 7 feet from public ROW and sidewalk to the proposed building pad for the site. Thereafter, the site is reasonably flat, sloping gently from NE to SE.

There are six existing structures on site, including three houses (two of which have been converted to duplexes), two garages and one shed. Including attics, the six structures include a total of 23,928 net sf. The site also includes impermeable pathways to serve all residential uses, as well as an unimproved driveway serving the entire property. There is an existing oak tree that is proposed to be preserved and included as part of the new site plan.

The immediate neighborhood includes a variety of architectural styles and eras. Some single family homes are interspersed with multi-family rental apartments and condominiums. Uses directly adjacent to the site include a two-story duplex apartment to the north, a multi-family condominium project to the south, a two-story apartment complex to the east, and an attached multi-family project to the west (including an existing single family unit at its front.)

The five units on site (one house, two duplexes) are being rented by the Applicant to tenants who are aware of impending development on site. Each tenant group has signed an agreement certifying their knowledge of the City of Santa Barbara Tenant Displacement Ordinance as it relates to this project. Information related to this noticing is one file with the City and a copy of typical tenant agreement is included as part of the DART submittal package.

Historical Assessment

A historic report was prepared for the site by Post Hazeltine Associates. That report, as well as a subsequent review of the report by The Historic Landmarks Commission on December 12, 2007, determined that preservation of existing structures was not deemed necessary. A photo survey will be completed previous to demolition.

Building Demolition & Tree Removal

Demolition of the six existing structures would be consistent with City policy for asbestos assessment/abatement, demolition permit processing, and required recycling and reuse of existing materials. There is one structural identified in the Historical Resources Report that is deemed of possible merit due to its age

(discussed in detailed later in this document). A review by Historic Landmarks Commission has recommended that a photo survey be completed of that building prior to demolition.

A signature oak tree located on site will be preserved and integrated into the new landscape plan (see arborist report dated August 11, 2010 – Arbor Services). There are four other non-native trees on site (persimmon, elm and pine) that would be removed as part of the new project proposal (see architectural drawing A-1.3 – Demolition Plan, for detail).

The landscape architect also suggested removing one of the existing street trees (see landscape plan L-1) - specie podocarpus. Because the existing canopy of the signature oak tree is so large that it extends well over the right of way on De La Vina (see drip-line of canopy on L-1), it is his opinion that the podocarpus street tree would be begin to negatively impact the canopy of the oak tree. An application was made to the Parks and Recreation Department on 9.29.2010 to seek their approval. Parks and Recreation issued a letter dated November 18, 2010 approving removal of one podocarpus at north edge of property frontage, with the proviso that a replacement tree be placed at the southernmost portion of the ROW. These changes have been reflected in the landscape plan.

Proposed Project Description

Proposed Use, Licensing, and Staffing

The project is designed to serve senior residents (average age of 80 and above) suffering from Alzheimer's or age-related dementias (Lewy Body, Parkinson's, frontal lobe dementia, multi-infarct, and stroke related symptoms.) The project would be licensed by the Department of Community Care Licensing as a *Residential Care Facility for the Elderly*. Operations will be regulated using Title 22 of the State of California Code. A hospice waiver would be secured for the project as part of the RCFE licensing process, allowing for compassionate end of life care on premises. Given the frail nature of a memory care resident, internal common areas of the community would be rich in sensory content and multi-use in nature, especially since these spaces comprise much of the daily experience of the resident.

Twenty-one percent of the site is envisioned as useable landscape/open area (5,692 sf). 4,096 sf or 15% of outdoor area meets the requirement of common outdoor area per SBC § 28.21.081-B.

Since residents rarely go outside, activities areas have also been focused within internal common spaces. Common space available to residents at interiors totals 3,399 sf (excluding administration, kitchen, storage, bathing, wellness office and other service areas.) See architectural drawing A-1.2 for detail.

The project has been designed to include three small "neighborhoods". Each neighborhood would include 11 to 15 residential units. Each neighborhood would also have a common living room, dining and activities area. Stations for direct care staff, bathing and medications storage would be located in each neighborhood. The design will result in three welcoming and intimate environments where residents can receive one-on-one care; families will be able to come to visit, and where group activities can be conducted in a way that is not daunting or over-stimulating to residents.

The project will offer residents three meals a day with consideration for individual dietary needs, personal care services, medications oversight, activities and transportation to medical services and outdoor activities as part of the regular daily program.

The community would be staffed twenty four hours a day. Shift changes occur off-peak three times daily – 7am, 3pm and 11pm. The daytime shift is staffed most heavily and would include a maximum of twelve employees. See Operational Staffing Plan included with this submittal for detail. In that shift changes occur off-peak, assisted living and memory care facilities do not create significant traffic impacts during time of peak hour travel. Residents do not drive and would be transported to activities and appointments by a dedicated facility van. 20 parking spaces have been provided on site, meeting the off-street parking requirement for a special care home.

Building Statistics

Project statistics are provided on the cover sheet of the architectural plans submittal, page A-0.1. The City of Santa Barbara General Project Statistic Form is located on page A-0.1A

The project as proposed would consist of a 40-unit residential care facility for the elderly. The gross building size would be 25,381 sf. The net building sf is 24,099 sf. There is 5,590 sf of paved or covered parking, exit stairway, trash enclosure, and utility area are on the ground floor. Net sf of first floor is 8,599 sf. Net sf of second floor is 13,289 sf. There is also a storage cellar for food storage, laundry and mechanical of 2,210 net sf. Because 16 parking spaces are located at grade, underneath the second floor, the resultant building gross footprint at the first floor is 9,714 sf (main building + trash enclosure).

A total of 11,134 net sf of floor area at first and second floors would be dedicated to residential units which range between 294 to 376 sf each. Each residential unit would have a private sink, a studio living/bedroom area, and in most cases, would share a bathroom with the adjacent unit.

Common amenities total 10,754 sf, including: a commercial kitchen, dining, a wellness center, activity spaces, sunrooms, bathrooms and service areas. Individual

units do not have kitchens or kitchenettes, and would not qualify as traditional "dwelling units".

As stated previously, the project is defined as a residential care facility for the elderly (RCFE), and would be licensed to provide non-medical residential care by the State of California, Community Care Licensing Department. The State mandates that RCFE maintain 7 days of non-perishable, and two days of perishable food, as well as other emergency supplies for residents in case of disaster and a need to refuge in place. In responding to this requirement the Applicant has included a storage cellar for food stuff, laundry/linen and mechanical storage, measuring 2,210 net sf.

The project would be designed to a R 2.1 occupancy code, Type VA, 1-hour fire resistive construction. Occupancy for the covered garage area is S-2. All residential units would be either accessible or be adaptable for accessibility. The second floor would be serviced by a 2,500 lb hydraulic elevator capable of accommodating a gurney. The project would include fire sprinklers adhering to an NPFA 13 standard. A fire alarm system would be included, including hard-wired smoke/fire detectors, and an emergency call system.

Compliance with CBC 11A, 1133A, 1134A, and CBC 704.8 are shown on coversheet of architectural drawing set and on architectural floor plans included with this submittal

Set-backs

The front-yard (SW) set-back from the ROW is 10'-0", where a trellis has been designed, however, the closest building face is 20'-6" at the southwest corner of the building.

The minimum interior side yard set-back from building face is 6'-0". There is one parallel parking space designated for employees that encroaches into the side-yard set-back by 3 feet (see A-1.1). The closest building face to the NW property line is 28'-9.5". The closest building face the SE property line ranges from 8'0" to 12'-0".

Parking spaces at rear set-back (NE) encroach into set-back by 3 feet. The building set-back is 10'-0" (at the second story)

The rear-yard set-back is 11'-9" to the face of building.

Per § 28.21.060 of the City Zoning Code, front yard set-backs must be a minimum of 10 feet for two story structures. Interior yard set-backs must be a minimum of 6 feet, and rear set-backs must be a minimum of 6 feet. The project as described is consistent with these requirements.

Building Height

Maximum building height is 30'-10.5". See Section A-4.0 for detail. Maximum building height in the R-4 zone is 45'-0". The building height and envelope has been intentionally designed so that it is consistent with height and massing of existing multi-family projects directly adjacent on all sides.

Common Outdoor Living Space

Per §28.21.081 of the City Zoning Ordinance, outdoor living areas would be required for an R-4 zone.

Calculations using both the Common Outdoor Living Space are noted below. The project meets this minimum standard (see A 1.2 Open Space Exhibit)

Common Outdoor Living Space Method - §28.21.081.B

Outdoor Space	% of Net Site	Project SF
Common Outdoor Space Required*	15%	4,083 sf
Common Outdoor Space Provided	15.04%	4,096 sf

^{*}One space must be a minimum of 20' x 20' measured in perpendicular.

As described in the *Proposed Use* section of this project narrative, the residents of this facility would be particularly physically and mentally frail. Given the primary and second diagnosis of most cognitively impaired residents, contemporary design philosophy for memory care advocates creating neighborhood and usable common spaces that are interior to a building. This allows the project to maintain a constant temperate climate in common areas, ensure physical safety and constant oversight of frail residents, and create a sensory rich environment in which residents can participate in daily life to the fullest. Internal common areas take advantage of passive day-lighting and view corridors wherever feasible so that residents can view the outside. Circulation corridors and common living areas however, are located adjacent to residential units, and internal to the building. This allows residents to participate in an interior "neighborhood" environment as they transition from their residential units to areas where passive and active programming is set up daily. Activities in neighborhood common areas mimic experiences that an ablebodied person would have in an outdoor useable space (group exercise, therapeutic ambulation, socialization and informal dining or snacks.) A true analysis of all useable common areas for residents, both indoor and outdoor, is provided below:

Proposed Common Space - 1820-26 De La Vina Street

Useable Outdoor Space	SF /Unit or % of Net Site	Project SF
Qualifying Common Outdoor	15.04% of net site area	4,096 sf
Living Area (per §28.21.081-B)	(Rear yard measures 20' x 20')	
Additional Useable Outdoor Space	Covered porch, common patio (within front yard)	935 sf
Additional Useable Outdoor Space	Landscaped area under Oak Tree (within front yard)	661 sf
Additional Useable Common Space	Enclosed "sun-room" porches (at second floor)	544 sf
Additional Useable Common Space	Common indoor living space (within three "neighborhoods")	2,855 sf
TOTAL USEABLE		9,091 sf
COMMON SPACE		

Parking

SBMC § 28.90.100.G.9 requires one parking space for every two bedrooms in a Community Care Facility. 20 off-street parking places have been provided as part of the project consistent with zoning (see architectural site plan.) One space is set aside for an accessible van parking space. Sixteen spaces are under cover, located underneath the northwestern side of the building. Four are located at the rear of the parcel and in one parallel space along the NW property line. Six spaces are compact. The parallel space is for employees only and will be marked as such. The parking plan was preliminarily reviewed by City Engineering and found acceptable.

A parking survey completed by Associated Transportation Engineers resulted in the following parking demand analysis:

Determinant	Rate	Expected Demand
Based on ITE Standards noted in	.36 spaces/unit	14 spaces
Parking Generation	0 8	
Based on comparison of local assisted living communities (Woodglen Hall, Heritage House, Villa Alamar.)	.35 spaces/bed	14 spaces
City of Santa Barbara Zoning Code	.5 spaces / bed	20 spaces

The physical parking analysis of area assisted living facilities performed by ATE demonstrated that .35 parking spaces per bed were adequate. Following this methodology, the proposed project would need a total of 14 parking spaces. Of special note is the parking analysis done for Villa Alamar. Like the proposed project, Villa Alamar serves an exclusively memory care clientele. Their actual parking demand rates were .28 spaces per bed. In providing 20 spaces, the

Applicant will be able to service a maximum employee parking requirement of 12 spaces, plus an additional eight spaces for family visitors and specialized home health care visits.

Valet Parking

During the course of ABR Concept review, there were questions raised by neighbors and certain ABR Board members about how overflow parking would be accommodated at special events. Based on historical experience at other RCFE's in the Santa Barbara area, there are three major holidays that result in a higher visitor count: Mother's Day, Easter, and Thanksgiving. A mid-day meal service ranges from 11-2 pm. Individual communities may choose to have additional special events as befits their individual programs. Because of concern voiced by speakers at the ABR Concept Review (stating that project visitors could impact on-street parking availability), the Applicant voluntarily approached a local valet parking service experienced in serving similar projects. They reviewed the layout of the parking plan and estimated that an additional 10-15 cars could be accommodated if parked by a live valet attendant during these higher traffic events. This would conceivably bring the total parking available on site to 35 spaces, or .88 parking spaces per bed/unit when special events / meals are served. See memo from Signature Parking included with the initial DART submittal.

Trash / Loading

An enclosed trash enclosure is designed adjacent to the front driveway, behind a covered porch, allowing ease of access for waste and recycling service. Space has been provided for one 2 CY trash bin, one 4 CY recycling bin, and two 64 gallon kitchen scrap/recycling cans, consistent with comments from the City Engineering recommendations. See drawing A-1.1 for detail. The trash enclosure will include clearances and hardware that allow it to be accessible. See Detail 3 on page A-9.3 for more detail. A loading area is directly adjacent to the trash enclosure. The enclosure will be built of fire resistive construction and sprinklered.

Hazardous Materials

It is not expected that the project will create any environmental hazardous waste. There will be some medical waste (sharps, outdated medications, wound care products). Following Title 22 requirements for RCFE, these wastes will be audited, rendered inert, and disposed of through a certified medical disposal company. Because this community would not provide direct medical oversight (such as a subacute care, skilled nursing facility or acute care hospital), the level of medical waste generated is modest.

There would also be a grease interceptor on site to capture any grease or solids coming from kitchen traps.

Noise

Traditionally, residentially based senior projects generate very little noise. Day to day activities are largely focused within indoor spaces. Memory care programming is specifically geared to provide a welcoming, calm, family-like environment for residents. Given that there are only 40 units proposed for the project, kitchen operations will be modest in scope. On average, deliveries companies twice weekly each from food service and medical supply companies.

A noise study was completed by Dudek and Associates on May 13, 2010 to assess current and future traffic noise from De La Vina and its potential impacts to residents of the proposed project.

Findings noted that projected future traffic noise at De La Vina would exceed the City's 60 A-weighted decibel Community Noise Equivalent Level noise criterion for a front patio proposed at the southwestern corner of the site.. To mitigate the noise impact the report recommended includes a 5 foot high noise barrier (glass or Plexiglas) along the edge of the uncovered porch adjacent to the conference room. The project design was revised and taken back to ABR, which did not support the addition of the plexi-glass barrier. Said barrier and front porch has been removed. A walkway connecting the covered porch and the accessible exit passageway remains. To comply with the City's interior noise standard, an interior noise analysis will be required for Units 201, 202, and 203. These units will require a mechanical ventilation system and possibly sound-rated windows to mitigate the interior noise impact. Per the report prepared by Dudek, said interior noise study would be required prior to issuance of building permits.

Solar Protection

The driveway has been located at the northwestern property line to protect solar access for adjacent uses - per Chapter 28.11 Ordinance 4426. See Architectural drawing SA-1 *Solar Access*, for demonstration that project is consistent with City ordinance.

Architectural Design

The project has been designed in a Craftsman style found commonly in the Westside residential areas of Santa Barbara. Exterior finishes will be a combination of cementitious siding and shingle, painted in muted earth-tone colors. Heavy timber rafter and trellis accents will be used at outdoor areas. Multi-paned double hung windows and single-paned doors will be distributed at first and second floors, with the addition of an eye-brow window detail at the second floor to bring additional passive daylight into that floor's common living area. A large covered

porch at the front-facing De La Vina elevation will be used as part of the active programming for residents, allowing them secured access to an outdoor living area, and views of the oak tree, landscaping and streetscape beyond. A second terrace is proposed at the southwestern corner of the site, directly off of a conference room that will also double as a private dining room.

Extensive coordination occurred with the ABR Board during the Concept Review process to refine the design further. See pages A-3.0 through A-9.3 for detail. See also minutes from ABR hearings on May 17, June 1st, and July 12, 2010. Some of the significant elements of the project design that were revised include the following:

- 1. Existing stone walls along project frontage and mature hedge at SE property line to be retained as part of new project description to maintain consistency with existing neighborhood.
- 2. Accessible pedestrian ramp way revised and relocated along SE property line to take advantage of grade at existing driveway.
- 3. Trellis elements at driveway and pedestrian entry were removed from ROW and enhanced and added at front and rear elevations.
- 4. Roof forms were articulated to break up building massing.
- 5. Window forms were varied to reflect Craftsman heritage, and stylistic heritage of area in which buildings were built and added to over time.
- 6. Intricate detail added: eyebrow dormer detail, planter boxes, corbel detail, gable-end brackets.
- 7. Service and storage spaces were redesigned in a cellar space so that more outdoor open area could be provided.
- 8. Parking increased to meet minimum City Parking Standards for this use.
- 9. Useable outdoor area enhanced.

Storm Water Quantity

The proposed project will mitigate any increase in peak runoff by incorporating landscaping, permeable pavers and underground detention facilities into its design. The underground detention facilities will be designed to accommodate the runoff volume from the 25-year storm while releasing a flow rate that does not exceed the existing 25-year peak flow rate in accordance with the City of Santa Barbara Storm Water Management Program and the State NPDES General Permit for Storm Water Discharges. See enclosed hydrology study prepared by Insite Civil for further detail.

Storm Water Quality

Vegetated swales, planting areas, permeable pavers, bio-retention designs and other applicable Best Management Practices (BMP's) per the City of Santa Barbara Storm water BMP Guidance Manual will be used to capture and treat runoff

resulting from a one-inch storm prior to discharging into the public drainage system. Anticipated BMP's include, but are not limited to the following:

- Covered parking
- Permeable paving
- Vegetated swales
- Porous landscape detention
- Underground detention systems

See civil site plan and hydrology study included with this package for more detail.

Project Cut and Fill Calculations

It is anticipated that approximately 3,665 CY of cut will be realized for this project. 1,970 CY from under the main building, and 1,695 from the remainder of the site. This is based on the assumption of a 6" foundation slab, and 1' of over-excavation. See project statistics on page A-0.1A, and revised grading and foundation recommendations made by Coast Valley Testing, August 16, 2010, included with this submittal.

Landscape Design Approach

The focal point of the project landscape is the specimen Quercus agrifolia (Coast Live Oak) tree fronting the west side of the property on De la Vina Street. The oak tree will be preserved and protected per the direction of an approved arborist and according to City of Santa Barbara standards. Landscape development of the understory of the oak tree will be limited to natural oak leaf litter and scattered massing of low-profile native flowering shrub species (i.e. Heuchera spp., Ribes viburnifolium and Iris douglasiana).

The balance of the project site will be planted with a variety of flowering accent trees, shrubs and groundcovers that will best compliment the traditional architectural style of the proposed building and provide an appealing visual environment for the residents that live there. These would include Stenocarpus sinuatus (Firewheel Tree), Rosa 'Iceberg' (Iceberg Rose), Lavandula heterophylla (Lavender), Penstemon 'Firebird' (Red Penstemon), Hydrangea spp. (Hydrangea), Anemone hybrid (Japanese Anenome), Salvia 'Chiapensis', Geranium spp. and Fragaria spp. (Mock Strawberry).

In addition, the landscape plantings will include edible citrus species such as dwarf varieties of orange, lemon and lime trees. Screen planting, as necessary, will include upright species such as Prunus 'Caroliniana' and Ligustrum 'Texanum'.

The landscaping planting plan as proposed is compliant with the "Landscape Design Standards for Water Conservation" handout issued and regulated by the City of Santa Barbara.

Oak Tree Preservation

An updated arborist report was generated by Karen Christmas of Arbor Services and issued on August 25, 2010. She has verified that the proposed project will not impact the critical root zone of the existing tree. Following recommendations made by Arbor Services for preservation of said tree, the Applicant proposes to the commit to the following preservation and mitigation measures. As is noted on architectural site plan, every effort has been made to integrate the tree into the proposed plan, and mitigate impacts to sensitive root zone. Both the final landscape and grading plan shall include information on notes sheet.

- 1. Deep root aerate and fertilize Oak root zone prior to construction to improve soil conditions and support healthy generation of new foliage and roots. (NOTE: Applicant began deep root aeration and fertilization in 2009 as a result of recommendations made in arborist report.)
- 2. Mulch CRZ with 4 to 5 inches of wood chips (keep off tree base) to improve soil conditions and minimize future soil compaction.
- 3. Install temporary six foot tall chain link fence at edge of beyond the drip line prior to project commencement.
- 4. Incorporate hardscape design and materials that minimize root zone compaction, disturbance, and promote gas-exchange and water percolation.
- 5. Exclude plantings within Oak drip-line for a minimum of two years.
- 6. Contract with an arborist for biweekly inspections of tree during and after project commencement to provide guidance on tree health issues such as Oak Moth and root zone conditions.
- 7. All future pruning shall be under the standards set forth by the ISA and supervised by a certified arborist. The object shall be to preserve as much foliage as possible.
- 8. Restrict all trenching within the CRZ of the subject oak unless supervised by a certified arborist.
- 9. Exposed soil profiles within CRZ shall be covered with moist burlap to prevent root zone desiccation.

Conditional Use Permit - Proposed Findings for Approval

The Applicant and their team have reviewed the requirements for findings under §28.94.020 and §28.94.030.R.2. by which a residential care facility would be approved by Conditional Use Permit. We believe the following statement to be true:

- 1. That the proposed use would be considered essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan. Residential care facilities by their very nature are designed to be included as part of the residential fabric of a community so that seniors can continue to age in place close to where they once lived, in a non-medical environment whenever possible. We believe this would be consistent with the General Plan designation for the area. Given the existing unmet demand for high quality memory care in Santa Barbara, we feel that the project would be considered a beneficial one and certainly desirable for the public welfare. The project is located in a high density, multi-family that currently includes a mix of condominiums, rental units, duplexes and single family homes. Adjacent uses to the NW and NE include multi-family apartments. Multi-family residences (condominiums) are to the SW. Single-family homes, duplexes and multifamily are located across the street. The site is within one block of small scale, neighborhood serving commercial uses, and less than a mile away from Cottage Hospital and other sub-acute care. Amenities are close-by for residents and employees of the project. As mentioned previously, the proposed use is low in impacts and does not propose to provide additional negative impacts to the immediate area.
- 2. That the proposed use would not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. We believe the opposite will be true. The proposed project would be a "good neighbor" and will positively contribute to property values in the area.
- 3. That the total area of the site and the set-backs of all facilities from property and street lines are of a sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. The project as proposed will be consistent with the existing multi-family neighborhood around it. It will have a maximum of two stories, and measures 30'-10.5" in height. Set-backs meet or exceed requirements in the R-4 zone. The project design follows the existing Craftsman style heritage of the area, and includes a generous front-yard set-back and overall streetscape presence that is similar to those of other single-family and multi-family homes on De La Vina and adjacent streets.

- 4. That adequate access and off-street parking including parking for guests is provided in a manner and amount that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. Because residents do not drive, the only traffic and parking impact is relational to staff and visitors. Based on Associated Traffic Engineer's Parking analysis of November 19, 2009, more than adequate parking has been included as part of the project design. Project also meets minimum Off-Street Parking Standards as mandated by the City of Santa Barbara. The project will also offer valet parking at special events when visitor attendance would be greatest. Off-peak shift changes for employees will not impact Level of Service currently being experienced on De La Vina or other collector streets.
- 5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The project as described will be designed following the Craftsman vernacular not uncommon in many of the early 20th century homes still existing in the Westside area. Scale is consistent with adjacent multi-family uses. Parking is screened from view under cover, or in the rear of the project. Significant effort has gone into preserving a signature oak tree at the front of the project; this oak tree has been integrated into the existing landscape plan and will continue to screen the project from the public way. In retaining this signature oak tree a minimum set-back of 20'-6" to closest building face will be observed. The mature hedge and stone wall at the SE property line will also be retained as part of the new project. Landscaping will include drought tolerant native specie consistent with the City's landscape design policies.
- 6. Compliance with any additional specific requirements for a conditional use permit. The Applicant has observed all submittal requirements and third party analysis required for the project to date. They will continue to respond to Staff requests for clarification or revision as the initial study to be developed for the project progresses.

Specific Conditional Use Permit Findings for State-licensed residential care facilities for the elderly, community care facilities and hospices serving more than 12 individuals in the R zone:

1. SBMC § 28.94.030.R.2.a.1: The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amount adequate to service the proposed facility.

Residents of this project would not drive. Traffic would be limited to employees on site (maximum of 12 during the day-time shift). Staff has determined that traffic impact would be less than that experienced for a similarly sized multi-family project on this site.

Water and other public uses would be less than that experienced in a multifamily or hotel projects. Residents typically bathe 3-4 times a week. Residential units do not have kitchens and all meals would be prepared communally. Landscape irrigation is managed in common.

Trash and other services would be comparable to a multi-family project on the same site.

Ambulance service would be used (typically private) to respond to periodic need to transfer residents to Cottage Hospital. Because residents of memory care communities typically previously lived within a five and ten mile radius of the site before they came to live at the project, emergency response is not estimated to be greater as a percentage of total population. Because personal care and oversight is part of the regular programming of an RCFE, it is also anticipated that emergency response for residents will be less than if they stayed in their own homes. Unexpected falls, dehydration and medication mishaps are common occurrences for disoriented seniors living in their homes. These issues are specifically addressed as part of the programming of the proposed project.

2. The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

The R-4 Zone allows for either multi-family units or hotel uses, (pursuant to the same lot area calculation per unit as multi-family units). Using the application of variable density, area requirements for a three bedroom or larger apartment is 2,800 sf of site area. Two bedroom units require 2,320 sf of net site area. A multi-family rental or condominium project would also be a candidate for bonus density of up to 25%. Depending on the probable occupancy of any given unit and the mix for the project, if this project was developed as an apartment project permanent occupancy for the site could be anywhere from 38-44 residents. This does not take into account transitory guests. In a hotel use or short-term stay accommodation (such as a bed and breakfast), there would also be additional staff on site to manage hospitality, food service, housekeeping and maintenance activities.

In the proposed project a maximum of 40 residents will be in place at any one time. All of these residents would be challenged with cognitive

dysfunction or life-limiting diagnosis. Given that the average age of each resident would be 80+, their daily activities schedule would be very sedate. Waking activities (starting with breakfast) would commence at 7:30-8:00am and end in early evening 7:00-9:00 pm. This schedule would be consistent with that experienced in a multifamily neighborhood with a variety of ages represented. Other than staff coming and leaving at shift changes, and twice weekly food deliveries, there would be very little that would outwardly distinguish this project from a similarly size multi-family project.

3. The proposed facility shall be able to be converted to the density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

The project as proposed would be financed with a HUD guaranteed loan specific to board and care homes. It will be licensed by the State of California Community Care Licensing and will include a variety of design features and life-safety systems specific to board and care (including a common kitchen, administrative offices, a hard wired emergency call systems, and residential units 300 feet or less, without private kitchens or bathrooms. The Applicant proposes to own and operate this facility and contribute to the permanent supply of higher acuity residential senior care beds in Santa Barbara. There is a demonstrated unmet need for quality care facilities like this, and a forecast for this to grow rather than diminish.

Should a multi-family project be considering for this project as a future use, substantial remodeling and a reduction of total unit count would need to occur in order to accommodate a traditional dwelling unit design (with private entry, utilities, bath and kitchens. Applicant would work with Staff to determine an appropriate underlying density for conversion determination.

Consistency with Neighborhood / Project Demand

The Applicant conducted substantial research in the senior care market in the Santa Barbara area prior to developing the PRT application for the City. Multiple interviews with existing area RCFE communities and agencies led the Applicant to the determination that there was significant additional demand for quality senior care, especially services focused on residents requiring memory care support and end-of-life hospice care in a residential setting.

The project site is an optimum location to provide this type of care in an intimately scaled setting. The site is located within the residential fabric of Westside Santa Barbara, close to neighborhood amenities, and within a mile of Cottage Hospital. Due to the type of residential care programming offered on site, the off-peak travel

times for employees and visitors, and the residential scale of the design and construction of these types of projects, this project will blend seamlessly into the existing multi-family neighborhood.

Traditionally residents who live in projects like these come from a primary market within ten miles of the project. Generally they are seniors who have lived a great part of their life locally, and wish to continue to live within the same community as they experience age-related issues.

We appreciate the opportunity to submit a DART application and have continued to refine the project since its inception with continued feedback from Planning Staff, Engineering Staff and the ABR Board. Our hope is to secure approvals and develop a project that is physically consistent with the existing neighborhood, brings a new level of humane, welcoming residential care to residents challenged with agerelated frailties, and to add to the existing supply-chain of quality senior programs currently existing in downtown Santa Barbara.

During the course of Staff analysis and review, please do not hesitate to contact our office with any questions. My direct line is 805.962.2746 ext 105.

Sincerely,

Julie Guajardo McGeever Development Manager

Enclosures

8.30, 2011

Kelly Brodison, Assistant Planner

City of Santa Barbara Community Development Department

RE: Oak Cottage Memory Care, APN 027-022-022, 023, 024

Dear Kelly:

Here is a synopsis of our response to some of the issues raised by the Planning Commission at the Environmental Hearing for The Oak Cottage, APN 027-022-022, 023 and 024. Most are relating to questions raised about employee, resident and vendor related traffic and parking impacts.

The traffic study is based on nationally accepted ITE counts, which (as you have noted) lumps staff, vendors and visitors into their over trip count, based on nationwide standards for RCFE. The counts probably work against The Oak Cottage slightly, since the definition of residential care facility can span both a more active assisted living community (like Heritage House, Villa Santa Barbara etc.), as well as a memory care and hospice program like that proposed for Oak Cottage (generally a more sedate program with fewer visitors). That being said, using this more rigorous standard, the traffic study demonstrates that there are no impacts on nearby arterial routes.

In response to the questions raised by staff and one neighbor (Ms. Barnier), about expected patterns of resident/staff/commercial and visitor circulation, access and parking on site, we offer the following:

- 1. **SHIFT CHANGES:** Only three of the weekday staff positions travel at peak hour Administrator, Nurse, and Activities Director. All other positions enter and leave the site at off-peak times. Ms. Barnier noted that shift changes of 12 people at any one time would be disruptive to traffic. Shift changes actually occur as noted below.
 - 1. Seven employees arrive at 7am.
 - 2. One employee arrives at 8 am
 - 3. Three employees arrive at 9 am
 - 4. Two employees arrive between 12pm and 1pm.
 - 5. The second shift change (2-3 pm) results in a maximum shift of 5 caregivers.
 - 6. The third shift (9pm) has 5 caregivers leaving and 3 coming on for the nocturnal shift.
 - 7. Because meals are provided as part of the employee benefits packages, it less usual for staff to leave site at lunchtime. Generally they use the employee break area for their ½-1 hour break (depending on position).
 - 8. The Oak Cottage staffing breakdown is attached so you can review traffic patterns by position.
 - 9. An incentive program will be offered for employees who choose to carpool (free gas cards). This is often taken advantage of by employees working the same shift.

- 2. **HEALTH CARE SERVICES & OUTSIDE VENDORS**: Activities programming and personal care is provided on site (a full time nurse is included on staff). While there may be infrequent visits from home health care for individual residents receiving hospice services, physical therapy or invasive wound treatment, these visits are brief (usually ½ hour or less). Physician house calls are very rare. The greater percentage of health care services are administered on site by staff working by phone, fax and e-mail with licensed health care providers who have oversight of a resident. The community is NOT envisioned as a sub-acute care or skilled nursing project, in which staffing ratios would be larger, and the array of permissible health care conditions and services would be more acute (requiring greater outside vendor care).
- 3. ACTVITIES: A full time activities director is on site to coordinate the activities program. While there may be appearances by musicians, clergy etc. on a weekly or bweekly basis—outside vendors would play no part in routine activities programming. Because residents are struggling with issues related to Alzheimer's and dementia, most activities are focused on maintaining as much independence as possible in achieving personal care, ambulation, and cognition. The program is built of many smaller building blocks of simple activities. In this level of care—vibrant, active and community based activities (like you would find in an independent or assisted program) is generally not found because it can become upsetting to residents. Caregivers are furthermore trained as "universal workers" to assist in direct care, activities and meal service. This facilitates a greater familiarity between staff and residents, resulting in less confusion. Staff also has intimate knowledge of a resident's cognitive and physical condition and can more effectively tailor activities so that they are useful or enjoyable to a resident.
- 4. EMERGENCY RESPONSE: Proposed residents at Oak Cottage would originate from a 5-10 mile radius. That means they are already people living in the immediate area. These same people would be receive home health care or critical care response in their homes if not serviced by a program such as this. By consolidating their care in a common socialized environment, not only are many issues associated with nutrition, direct care, and accessibility addressed, but the incidence of emergency calls is drastically reduced in total. Falls, incidence of self or elder neglect, or compromised health are often avoided. Emergency response is still a common experience, but the majority of emergency calls are generally associated with assessing a non life-threatening condition, therefore ambulances often respond without sirens. The intent of the RCFE program administered to under Title 22 of the Department of Social Services, was to integrated residential care programs into residential neighborhoods so that residents could continue to live within the fabric of the community they once called home, instead of being forced to live in a skilled nursing facility. This project is located just south of a neighborhood commercial corridor and within close proximity of Cottage Hospital and other associate sub-acute programs. Generally this is considered an optimum location for a residential care

program. There is no strict statistical evidence we have found indicating how many emergency calls are received, however Heritage House generates about one every one or two weeks (with a total of 68 beds).

- 5. **RESIDENT CARS ON SITE**: Because residents not only do not drive, they would be prohibited from bringing their vehicles to site even to be parked for their children's convenience. As a memory care community, The Oak Cottage will be addressing issues of significant cognitive decline. Residents no longer have valid licenses, and most can no longer ambulate unassisted. Residents cars on site would be considered ethically inappropriate and would raise issues of liability. The project will have a policy prohibiting such activity. This could also be included as a condition of approval.
- 6. **RESIDENT SHUTTLE**: Residents are transferred off site for medical visits and activities by facility van. Trips are scheduled three times a week (generally Monday, Wednesday and Friday). Because of testing preferences, many medical trips are made in the very early morning (7-8 am) or mid afternoon. Because of the frail nature of this population, residents are also taken on chaperoned driving tours or visits to a restaurant or beach once or twice a week. Service however, is very different than a bus servicing active senior residents (like Villa Santa Barbara, Samarkand or similar) which would be coming and going far more often to satisfy the autonomous needs of residents.
- 7. SPECIAL EVENTS: There are three primary special events in which a larger family attendance is expected: Mothers Day, Easter and Thanksgiving. Female residents represent 80-90% of the population, so Father's Day is a much more sparsely attended event. At these events a noon-time meal is served between 12-2. Because all special events fall on holidays, traffic impacts will be minimal. The Applicant has already researched valet service to provide additional parking on site during these events. Signature Parking has visited the site and reviewed the site plan. They can park an additional 10-15 cars on site (exhibit attached for your review). Approximately 20-25% of residents have families that come in for a holiday meal. The remainder are often picked up by family members and returned during the course of the day, or receive a visit in late afternoon after the family's own holiday meal is complete. Any larger family based event beyond those previously mentioned, would include valet parking on site.

8. COMMERCIAL DELIVERIES:

- 1. VENDORS: Large commercial deliveries would be provided by Jordano's, Mission Linen, The Berry Man, and Federal Drug. See attached e-mails from Jordano's and Mission Linen. All four vendors have the availability to transport using only smaller vans with a maximum 11'6" head clearance (Federal Drug uses a small van exclusively). This would allow each vendor to drive completely on to site, turn around in the garage, and exit to De La Vina without staging vehicles on De La Vina Street. The remainder of deliveries typically occur through UPS or USPS. Delivery service for food and medical supplies would be once or twice a week by Jordano's and Berry Man.
- 2. MOVING VANS: Residents will live in rooms ranging from 285 to 325 sf. Residents' larger belongings are generally limited to a twin bed, a night stand, dresser, easy chair and a small television. Large, multi-axle moving vans are not used to transfer belongings. Family members approach move ins in one of two ways. Either they move items in family owned vehicles (like a truck), or they rent a small van to transport. In either case, staging can occur on site. Length of average resident tenancy varies, but is generally expected to be 1-3 years. Resident turnover is not so frequent as to be different from other multi-family tenants in the area.

OTHER CONCERNS BROUGHT UP BY PLANNING COMMISSIONERS:

- 1. **OAK TREE**: Replacement of Oak Tree: Applicant agrees that the signature oak tree on site is significant to the character of the site, and plans to make every attempt to retain the tree in a health conditions (in case of the fact, the proposed project is being named for the tree.) All mitigations will be adhered to. In listening to Planning Commission concerns about what is considered an appropriate replacement ratio should tree become diseased or die, the Applicant is willing to consider a condition of approval in which a bigger box replacement would be required than is current stated in the MND.
- 2. ACOUSTICAL CONCERNS AT UPPER FLOOR RESIDENTIAL UNITS: The report completed by Dudek noted that units facing De La Vina, could noise levels in 2030 that would be in excess of that accepted for residential uses in the City of SB General Plan. One potential mitigation would be to keep windows closed. Planning Commission wanted the Applicant to consider other alternatives. The Applicant plans to include a facility-wide HVAC program and will have dedicated ventilation systems in units facing De La Vina. They will also design enhanced wall types and windows at street facing units to reduce noise through the application of acoustical channel, enhanced insulation and dual paned glass.

Maldonado Proposed Memory Care Community - Operational / Staffing Plan

WEEKDAY SHIFT	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00-7:00
Direct Caregivers (three shifts)	5	5	5	5	5	2	5	2	5	5	5	5	5	5	2	5	200
(also servers during meals)							+										
						,	1		1	1				1	Ì		
Administrator / Marketing				-	7	7	1	7	7	7	1			1	1		
Nurse / LVN				The second		H	-1	7	-	1	は見る行						
Activities Director					7	TO SOLD	D 1500	Transport	1	1000	设施额						
					_												
Lead Chef	1	1	1	1	1	1	1	1									
Cook / Prep					1000	1	1	1	Total Sec	1		1	1		_		
Prep/Dishwasher						SIII	1	-	Territoria	1	THE REAL PROPERTY.	1	1		-		
						-									_		
Bus-driver/Facility Memt		Tales 1	San	1	1	Townson.	1	I Section	1								
Househaper DT (Morn/Gue Chift)	\$ 100 miles	P. C. C. A.	N.S. William	STATE OF			\mid	T					A STATE OF THE PARTY OF THE PAR	S. C.	17 17 W. C.	· · · · · · · · · · · · · · · · · · ·	
nonsekeepel r.i (Moringeve Silling)	William Property	4		The same of the sa	T	T		T									
					T	T	t	T	1					T			
TOTAL STATE ON SITE	1	O	C	=	5	=	-	12	=	٤	101	-	8	-	-	٩	
	ì	1		1		1	+										
NOTES: Night-time care-giving shift (23:00 - 7:00) responsible for personal laundry. Flat sheets and linen supplied by third party vendor (Mission Linen). Delivery once a week. Bookkeeping service provides billing. A/P, A/R functions off-site. On-site for approximately one week, once a year for annual audit. Food service delivery generally includes two vendors (Jordanos, Local Farmer's Ca-Op) - twice a week. Delivery is variable but can generally be scheduled. Medical prescriptions, personal care products ans assistive devices provided by one vendor (Federal Drug). Typical deliver once or twice weekly as needed.	esponsible for VR functions o vendors (Jo cts ans assisti	r personal l off-site. Or rdanos, Lo	laundry. F n-site for : cal Farme provided	lat sheets a approximal r's Co-Op)	and linen s cely one w twice a w odor (Fede	upplied by eek, once eek. Delive	third part a year for a ry is varial Ypical deli	y vendor (A annual aud ble but can iver once o	Aission Line It. generally b	n). Deliver e schedule kiy as neec	/ once a w d. led.	6 X.					
WEEKEND SHIFT	,	8	8	9	5	5	5.55	5.5	5.5	6.31	17.0	8	6.91	20:02	6.15	23-00	23:00-7:00
W	8.	0.00	1	70.00	77.00	77.00	3	74.00	200	70.01	20.11	3	200	20:04	27.00	22,00	2000
Direct Caregivers (three shifts)	5	Ŋ	5	5	S	S	S	2	2	5	5	S	5	S	2	2	
(also servers during meals)						1	+					Ī				-	
Receptionist / Marketing				1	=	1	1	1	-	1	1					-	
IVN				Tream!	Total At	1	1	STATE OF	F	1	PATRICE				-	-	
Activities Coordinator (PT)						1	1	1	1						-		
Lead Chef	1	1	1	1	1	1	1	1									
Cook / Prep						1	1	1	1	1		1	1			-	
Prep / Dishwasher						11883	1	1		1 100 130	Particular.	13/49/10	1				
									-								
Facilities Mgmt / Gardening		San Car	16 36 31	P	A 100	1	1871	1	I The second								
Housekeeper PT (Morn/Eve Shift)	I was a second	1	1	THE STATE OF		r							1	100	E (1)		
					П								П				
			ľ	1	1	1	+	1	;	ľ	1		ľ	,	†	1	
TOTAL STAFF ON-SITE		×	×	P.	2	7	77	7	7	ת	ח		•	P	6		
Deliveries not typical during weekend.																	



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E. Scott A. Schell, AICP, PTP



November 19, 2009

Mark and Valerie Maldonado 3255 Cliff Drive Santa Barbara, CA 93109

PARKING ANALYSIS FOR THE MALDONADO MEMORY CARE COMMUNITY FACILITY CITY OF SANTA BARBARA, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following parking analysis for the Maldonado Memory Care facility, which is proposed for a site located at 1820-1826 De La Vina Street in the City of Santa Barbara.

PROJECT DESCRIPTION

The project is proposing to redevelop the three existing residential parcels and construct an assisted living and memory care center with 40 bedrooms and no more than 12 employees on any of three shifts (7A.M.,3 P.M., 11P.M.) and 18 on-site parking spaces. A site plan is attached for reference.

CITY OF SANTA BARBARA ZONING ORDINANCE PARKING REQUIREMENTS

The City of Santa Barbara Zoning Ordinances requires one parking space per two bedrooms for assisted living centers. The proposed project will have 40 bedrooms. The number of parking spaces required for the project by the Zoning Ordinance is calculated in Table 1.

Table 1
Zoning Ordinance Parking Requirements

Land Use	Size	Rate	Requirement
Assisted Living	40 beds	1 space / 2 beds	20 spaces

The project is proposing to provide a total of 18 parking spaces, which is less than the 20 parking spaces required by the City of Santa Barbara Zoning Ordinance.

PROJECT PARKING DEMANDS – ITE RATES

Parking demand estimates were developed for the project based on the parking rates presented in the Institute of Transportation Engineers (ITE), <u>Parking Generation</u>, <u>Third Edition</u>. The rates presented in the ITE manual for Assisted Living Complexes (Land Use Code #254) was used to calculate the parking demand estimates for the project. Assisted living complexes are defined as "residential settings that provide either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited people." Table 2 shows the site's parking demand based on the ITE rates for assisted living communities.

Table 2
Project Parking Demands – ITE Rates

Land Use	Size	Rate	Demand
Assisted Living	40 units	0.36 spaces/unit	14 spaces

Note: Rate based on bedroom units, not beds.

The data presented in Table 2 shows that the parking demands estimated for the project site would be 14 spaces based on the ITE rates for the assisted living land use. The 18 on-site parking spaces for the proposed project meet the estimated parking demand of 14 spaces.

Parking Generation, Institute of Transportation Engineers, Third Edition, 2004.

PROJECT PARKING DEMANDS – LOCAL STUDIES

Peak parking demands were also assessed using empirical data collected at three similar facilities including: Wood Glen Hall, 3010 Foothill Road, Santa Barbara, CA; Heritage House, 5200 Hollister Avenue, Santa Barbara, CA; and Villa Alamar, 45 East Alamar Street, Santa Barbara, CA. The parking data was collected between 9:00 A.M. and 4:00 P.M., which is the time period when parking demands for assisted living communities are highest. The parking data was collected on a Thursday and is attached for reference. The local study parking demand rates are summarized in Table 3.

Table 3
Parking Demand Rates – Local Studies

Site	Peak Demand	Size	Rate
Wood Glen Hall	26 parked vehicles	72 beds	0.36 spaces/bed
Heritage House	27 parked vehicles	67 beds	0.40 spaces/bed
Villa Alamar	12 parked vehicles	43 beds	0.28 spaces/bed
		Average Rate	0.35 spaces/bed

The parking data indicates that the peak parking demand ranged from a low of 0.28 spaces per bed to a high of 0.40 spaces per bed, and the average rate is 0.35 spaces per bed.

Table 4 shows parking demand calculations for the proposed project based on the local parking demand average rate.

Table 4
Maldonado Memory Care Peak Parking Demand – Based on Local Rate

Land Use	Size	Rate	Demand
Assisted Living	40 - 51 beds	0.35 spaces/bed	14 - 18 spaces

The data presented in Table 4 shows that the peak parking demands estimated for the Maldonado Memory Care facility would be 14 - 18 spaces based on studies of local assisted living centers. The 18 on-site parking spaces for the proposed project would satisfy the peak parking demand for the project with a range of 40 - 51 beds within the 40 units.

Mark and Valerie Maldonado

Page 4

November 19, 2009

Based on both ITE parking demand rate and ATE local studies, the findings of this parking analysis indicate that a modification to the City of Santa Barbara Zoning Ordinance parking requirement could be supported. This concludes our parking analysis for the Maldonado Memory Care facility.

Associated Transportation Engineers

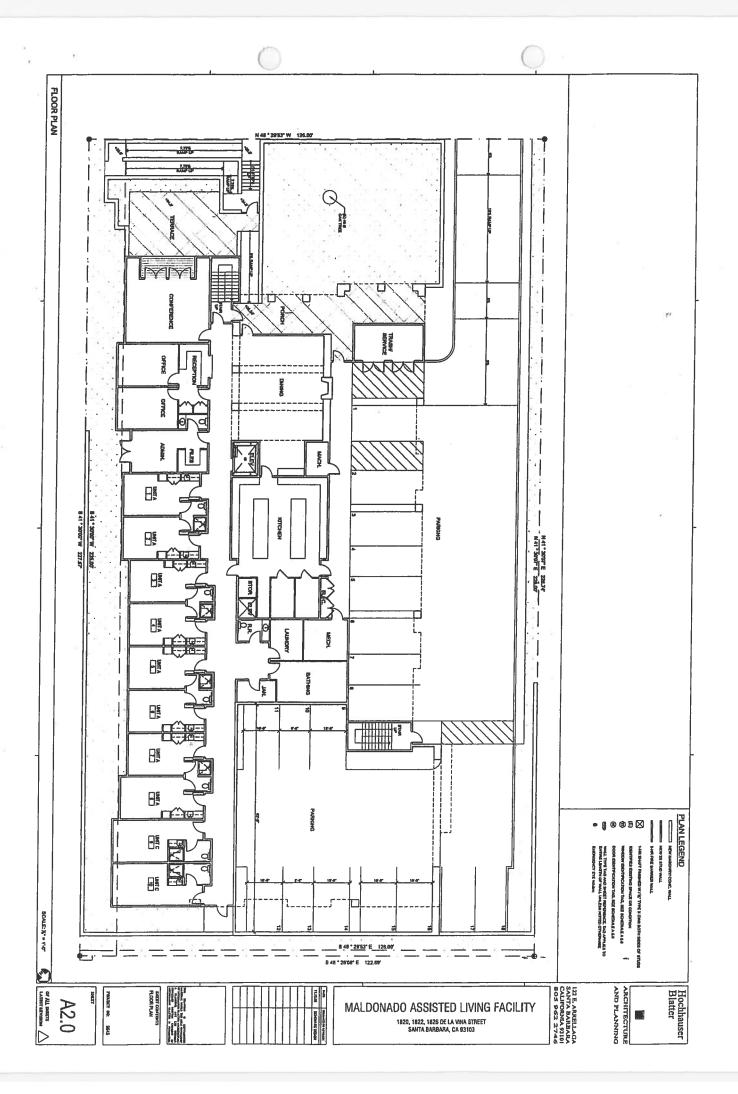
Scott A. Schell, AICP, PTP

Principal Transportation Planner

SAS/DFN/wp

Attachment A: Project Site Plan

Attachment B: Local Parking Study Data



ATTACHMENT B

Assisted Living Community Parking Demand

E INE	VEHICLES	TRE15/8	19/27/3
Wood Glen Hall	26	72	0.36
Heritage House	27	67	0.40
Villa Alamar	12	43	0.28
Average Rate			0.35

ATTACHMENT B - Continued

Parking Site:

Wood Glen Hall

Name: Enrique Biche

3010 Foot Hill Rd.

Date: 8/02/2007

Capacity

Handicap

Visitor

Reserved <u>Staff</u> 10

29

1

10

8

Parked Vehicles

Time:	Handicap	Visitor	Staff	Reserved	illegal	Total	% Occupied
9:00am	1	3	9	7	0	20	69%
10:00am	1	6	10	8	0	25	86%
11:00am	1	5	11	9	0	26	90%
12:00pm	1	5	9	8	1	24	83%
1:00pm	1	3	10	8	2	24	83%
2:00pm	0	4	9	6	0	19	66%
3:00pm	0	5	8	8	0	21	72%
4:00pm	1	6	6	7	0	20	69%

Parking Site: Heritage House 5200 Hollister Ave.

Name: Enrique Biche

Date: 8/02/2007

Staff

20

Capacity 25

<u>Handicap</u> 2

<u>Visitor</u> 3

Other: Roundabout

Parked Vehicles

Time	Handicap	Visitor	Staff	Illegal	Other	Total	%Occupied
9:00am	1	2	16	2	0	21	84%
10:00am	0	2	16	2	0	20	80%
11:00am	0	3	20	2	2	27	108%
12:00pm	1	0	16	1	1	19	76%
1:00pm	0	0	14	2	0	16	64%
2:00pm	0	2	16	1	0	19	76%
3:00pm	1	3	14	0	1	19	76%
4:00pm	2	1	16	2	1	22	88%

Parking Site:

Villa Alamar

Name: Enrique Biche Date: 8/02/2007

45 E. Alamar St.

Capacity

Handicap

Staff/Visitor

14

13

Parked Vehicles

Farkeu venicles	2					
Time	Handicap	Staff/Visitor	illegal	Other	<u>Total</u>	%Occupied
9:00am	0	8	1	0	9	64%
10:00am	0	9	0	0	9	64%
11:00am	0	12	0	0	12	86%
12:00pm	0	11	0	0	11	79%
1:00pm	0	8	0	0	8	57%
2:00pm	0	9	0	0	9	64%
3:00pm	0	10	0	0	10	71%
4:00pm	0	10	0	0	10	71%

ATTACHMENT B - Continued

Parking Site:

Wood Glen Hall

3010 Foot Hill Rd.

Name: Enrique Biche

Date: 8/02/2007

Capacity 29

Handicap 1

Visitor 10

Staff 10

Reserved 8

Illegal and unmarked parking

12:00pm 1:00pm

One car parked on the loading zone. One car parked_on the loading zone. Two cars parked on unmarked zone.

Parking Site:

Heritage House

5200 Hollister Ave.

Name: Enrique Biche

Date: 8/02/2007

Capacity 25

Handicap 2

<u>Visitor</u> 3

<u>Staff</u> 20

Reserved 0

illegal and unmarked parking

9:00am

One car parked on loading zone

One car parked on a unmarked zone.

10:00am

Same as 9:00am.

11:00am

One car parked on loading zone/one on a umarked zone.

Two more vehicles parked on the roundabout.

12:00pm

Shuttle parked on roundabout/one parked on unmarked.

2:00pm 3:00pm

One car parked on unmarked zone. Shuttle parked on roundabout.

4:00pm

One vehicle parked on roundabout.

Two more parked on unmarked zone.

Parking Site:

Villa Alamar

45 E. Alamar St.

Name: Enrique Biche

Date: 8/02/2007

Capacity

Handicap

Staff/Visitor

14

1

13

Illegal and unmarked parking

9:00am

One commercial vehicle taking two parking spaces.



ARCHITECTURAL BOARD OF REVIEW CASE SUMMARY

1820 DE LA VINA ST

MST2009-00536

PRT-40 UNIT RES. CAR

Page: 1

Project Description:

Proposal to construct a new two-story, 22,775 square foot residential care facility for the elderly, to include 40 studio units varying between 294 to 376 square feet, on a proposed 27,217 square foot lot. The proposal involves the demolition of 8,251 square feet of existing on-site development, comprised of five existing residential units and all garages and other related structures, the removal of seven existing trees, and 2,800 cubic yards of grading. A total of 19 on-site parking spaces are proposed. The project requires Planning Commission review for a Voluntary Lot Merger of three lots, a Conditional Use Permit to allow a Residential Care Facility, and three Zoning Modifications for the required common open yard area, a reduction in the required number of parking spaces, and over height walls within the required front setback.

Activities:

11/1/2010

ABR-Concept Review (Continued)

(Fifth Concept Review. A glass sound wall is now proposed. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission Review.)

Item was not heard due to applicant's absence. The proposed glass sound walls have been removed from the project.

10/18/2010

ABR-Concept Review (Continued)

(Fourth Concept Review. A glass sound wall is now proposed. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission Review.)

Actual time: 4:41

Present: Jay Blatter, Architect.

Public comment was opened at 4:47 p.m.

A letter of concern from Paula Westbury was acknowledged.

As no one wished to speak, public comment was closed.

Motion: Continued two weeks to the Full Board with the following comments: Provide a solution which does not require a glass screen, or work with staff to consider options such as relocating the outdoor living space to avoid the necessity of a sound wall at the front of the building.

Activities:

Action: Zink/Sherry, 6/0/0. Motion carried. (Rivera absent.)

10/11/2010

ABR-Resubmittal Received

Received three sets for revised concept review of changs prior to PC.

7/12/2010

ABR-Concept Review (Continued)

(Third Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission Review.)

(3:43)

Present: Jay Blatter and Julie McGeever, Hochhauser Blatter Architects; David Black, Landscape Architect.

Mr. Blatter clarified for the Board that Stacey Wilson, Assistant Transportation Planner gave the Transportation Division's approval for the proposed project.

Public comment opened at 4:03 p.m.

The following public comment spoke of various concerns regarding the proposed project:

- 1) Ben Spencer expressed concerns regarding neighborhood impacts, size, bulk and scale, and parking
- 2) Peg Browning expressed concerns regarding massing and safety issues.

An opposition letter from Paula Westbury was acknowledged by the Board.

Public comment closed at 4:08 p.m.

Motion: Continued indefinitely to Planning Commission to return to Full Board with comments:

- 1) The Compatibility Analysis is as follows:
- a. The proposed project complies with the Design Guidelines and is consistent with the City Charter and applicable Municipal Code requirements.
- b. The project's design is compatible with the City and the architectural character of the neighborhood
- c. The project's mass, size, bulk, height, and scale are appropriate for the neighborhood, given compliance with the comments provided here.
- d. There are no impacts to adjacent City Landmarks, adjacent historic resources or established public views of mountains or ocean.
- e. The project's design does not block established public views of mountains or ocean.
- f. The project's design provides an appropriate amount of open space and landscaping.
- 2) The Board appreciates the reduction in mass, bulk, and scale of the proposed project.
- 3) Study the treatment to the bay windows on the north and south elevations to add additional relief to the roof line.
- 4) Consider revising the north elevation gable to be consistent with the other gable treatment in the project.
- 5) Study a different architectural expression of the second floor conservatory on the rear east elevation

Activities:

to be more porch-like.

6) Study the feasibility of adding an additional street tree.

Action: Rivera/Gilliland, 4/0/2. Motion carried. (Zink/Gilliland abstained, Manson-Hing absent).

7/6/2010

ABR-Resubmittal Received

6/1/2010

ABR-Concept Review (Continued)

(Second Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission review for a Voluntary Lot Merger of three lots, a Conditional Use Permit to allow a Residential Care Facility, and three requested zoning modifications.)

(4:20)

Present: Jay Blatter and Julie McGeever, Hochhauser Blatter Architects; David Black, Landscape Architect.

Public comment opened at 4:45 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Bill Spencer, (photograph submitted) expressed concerns with the size of the project and parking impacts.
- 2) Shirley Roberto, expressed concerns on the size of the project, open space, and parking impacts.

Letters of concern from Gail Pine and Paula Westbury were acknowledged by the Board.

Public comment closed at 4:51 p.m.

Motion: Continued two weeks to Full Board with comments:

- 1) Study the north elevation and the relationship of the openings for the parking to the building above.
- 2) Study recessing the upper floor common area elements and related fenestration at the rear elevation
- 3) Study the use of possible planted-joint pavers along the auto court.
- 4) Study the relationship of the front elevation trellis with the rear conference area and further relief of the two story massing.
- 5) Study resolving the repetition of the bay window elements and roof lines on the south elevation.
- 6) Study incorporation of existing landscaping along the southern property line. Action: Rivera/Sherry, 3/3/0. Motion failed. (Mosel/Gross/Manson-Hing opposed, Gilliland/Zink absent).

Substitute Motion: Continued two weeks to Full Board with comments:

- 1) Reduce the overall size, bulk, and scale of the building.
- 2) Resolve the north elevation and the relationship of the openings for the parking to the building abov
- 3) Recess the upper floor common area elements and related fenestration at the rear elevation.
- 4) Provide planted-joint pavers along the auto court.

Activities:

- 5) Resolve the relationship of the front elevation trellis with the rear conference area and provide further relief of the two story massing.
- 6) Resolve the repetition of the bay window elements and roof lines on the south elevation.
- 7) Incorporate existing landscaping along the southern property line. Action: Mosel/Gross, 5/1/0. Motion carried. (Sherry opposed, Gilliland/Zink absent).

5/17/2010

ABR-Concept Review (New) - PH

(Comments only; Project requires Environmental Assessment and Planning Commission review for a Voluntary Lot Merger of three lots, a Conditional Use Permit to allow a Residential Care Facility, and three requested zoning modifications.)

(3:10)

Present: Jay Blatter, Architect and Julie McGreever, Project Manager, for Hochhauser Blatter Architects; David Black, Landscape Architect; and Kelly Brodison, Assistant Planner.

Public comment opened at 3:30 p.m.

Mr. Bill Spencer expressed concerns regarding the proposed use and related traffic and parking impacts

Public comment closed at 3:36 p.m.

Motion: Continued two weeks to Full Board with comments:

- 1) Reduce the apparent mass of the structure including the roof lines.
- 2) Provide more of a one story presence from street, including porches and trellises.
- 3) Study the proposed location of the ramp to soften the front yard and provide additional landscaping in the front elevation.
- 4) At this time, the Board needs more information regarding the requested modifications in order to make sufficient comment.
- 5) Increase the usable outdoor living open spaces.
- 6) Eliminate the wrought iron in front of the existing oak tree.
- 7) Further articulate the side and rear elevations to consolidate the architectural style of the entire structure.

Action: Sherry/Rivera, 6/0/0. Motion carried. (Gilliland/Zink absent).

5/17/2010

ABR-Mailed Notice Prepared

5/12/2010

ABR-Resubmittal Received

Plan substitution to replace the cover sheet (A0.1) to add the project scope of work.

Activities:

4/28/2010

ABR-Resubmittal Received

ABR first submittal for Concept Review.

4/28/2010

ABR-Posting Sign Issued

sign issued to applicant

11/1/2010

ABR-Concept Review (Continued)

(Fifth Concept Review. A glass sound wall is now proposed. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission Review.)

Item was not heard due to applicant's absence. The proposed glass sound walls have been removed from the project.

10/18/2010

ABR-Concept Review (Continued)

(Fourth Concept Review. A glass sound wall is now proposed. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission Review.)

Actual time: 4:41

Present: Jay Blatter, Architect.

Public comment was opened at 4:47 p.m.

A letter of concern from Paula Westbury was acknowledged.

As no one wished to speak, public comment was closed.

Motion: Continued two weeks to the Full Board with the following comments: Provide a solution which does not require a glass screen, or work with staff to consider options such as relocating the outdoor living space to avoid the necessity of a sound wall at the front of the building.

Action: Zink/Sherry, 6/0/0. Motion carried. (Rivera absent.)

10/11/2010

ABR-Resubmittal Received

Received three sets for revised concept review of changs prior to PC.

7/12/2010

ABR-Concept Review (Continued)

(Third Concept Review. Comments only; Project requires Environmental Assessment, Compatibility Analysis, and Planning Commission Review.)

(3:43)

(MST ABR Summary.rpt)

Date Printed: September 7, 2011

.



Exhibit H of the Staff Report for Item IV, <u>1820</u>, <u>1822</u>, <u>1826</u> <u>De la Vina Street</u>, is being distributed separately. You may view this Final Mitigated Negative Declaration report on the City's website by following these instructions:

• Go to <u>www.SantaBarbaraCA.gov/eir</u>

A printed copy of the report is also available at the following address between the hours of 8:30 a.m. to 4:30 p.m., Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates:

Community Development – Planning Division 630 Garden Street, Second floor Santa Barbara, CA 93101

Planning Commission Minutes August 11, 2011 Page 4

MOTION: Schwartz/Larson

Assigned Resolution No. 016-11

Approved the project, making the revised findings for the Development Plan and recommendation to City Council for the Final Community Priority Designation, as outlined in the Staff Report and revised on August 11, 2011, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Jostes)

Chair Lodge announced the ten calendar day appeal period.

IV. ENVIRONMENTAL HEARING:

ACTUAL TIME: 1:39 P.M.

APPLICATION OF JAY BLATTER AND JULIE GUAJARDO McGEEVER, AGENT FOR MALDONADO LIVING TRUST, 1820-1826 DE LA VINA STREET, APN 027-022-022, -023, -024, R-4 MULTI-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: HOTEL AND RESIDENTIAL, 12 UNITS PER ACRE (MST2009-00536)

The proposed project is a 40-unit Residential Care Facility for the Elderly (RCFE) designed to serve seniors suffering from Alzheimer's or various forms of dementia. Proposed construction includes a two-story, 24,128 net square foot building (25,400 gross sq. ft.). There is a sub-level cellar for food storage, laundry and mechanical equipment measuring 2,210 net square feet, and the first and second floors would be 8,581 and 13,337 net square feet, respectively. The project also includes 20 on grade parking spaces, of which 16 are covered and 4 are uncovered.

The existing structures on site are proposed to be demolished, including three houses (two of which are duplexes), two garages and one shed. Including attics, the floor area of the six existing structures totals 8,251 net square feet. There is an existing oak tree that is proposed to be preserved and included as part of the new site plan.

The purpose of the environmental hearing is to receive comments from the Planning Commission, interested agencies, and the public on the adequacy and completeness of the Draft Initial Study and Proposed Mitigated Declaration for the proposed project. Written comments on the Draft MND will be accepted through May 12, 2011.

No formal action on the development proposal or environmental document will take place at this hearing.

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation.

Julie McGeever, Hochhauser & Blatter Architects, did not provide a presentation, but was available to answer the Commission's questions.

Chair Lodge opened the public hearing at 1:46 P.M.

Dawn Barnier, neighbor, expressed concern with traffic, parking, and noise associated with the project.

With no one else wishing to speak, the public hearing was closed at 1:58 P.M.

Commissioner's Comments:

- 1. Commissioner Jordan would like to see better information to support arguments made that the impact is less than significant or potentially significant but mitigable related to transportation (i.e. explain commercial deliveries, vehicle size, frequency, etc.); commented on the acceptability of the identified noise mitigation on the three units closest to the street; and requested additional information on the effectiveness of proposed mitigation for the large oak tree in the front.
- 2. Commissioners Bartlett and Lodge would like to see a more current Traffic Study that is applicable to this project and the understanding of the impact made by deliveries and the shuttle van logistics, as well as the impacts to traffic caused by employee shift changes. Commissioner Bartlett is not satisfied with the identified tree mitigation. Commissioner Lodge would also like to see more analysis on parking and trips and is concerned with the impact to the neighborhood.
- 3. Commissioners Jordan and Bartlett were not satisfied with the mitigation on the oak tree as being 3 5-gallon oak trees and would like mitigation that puts effort on not losing the tree and better mitigation. The mitigation for replacement should be box tree sizes equivalent to the current tree diameter.
- 4. Commissioner Schwartz does not see sufficient mitigation for what is seen as significant impacts to the immediate neighborhood. Would like to see more information about employees, visitors and deliveries and their impact on the street.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:27 P.M.

- A. Committee and Liaison Reports.
 - 1. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on August 10, 2011.

- 2. Other Committee and Liaison Reports
 - a. Commissioner Larson reported on a conflict in attending the Historic Element Committee Meeting and the Sustainability Committee